



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

AFCC-AAML 2013 Conference Registration Open
Advanced Issues in Child Custody:
Evaluation, Litigation and Settlement
September 26-28, 2013

Gaylord National Resort, Washington, DC Metro Area

The conference program brochure and online registration are available for the AFCC-AAML 2013 Conference. Priority registration is available to AFCC and AAML members through June 30. You may join AFCC when you register for the conference and take advantage of the priority registration opportunity, as well as the reduced member rate. Registration opens to the public July 1, 2013. The last AFCC-AAML Conference, held in 2011, sold out. Enrollment is limited.

[Read the Conference Program Brochure](#)

[Register Online](#) (AFCC members and AAML Fellows only)

[Exhibit Opportunities](#)

AFCC 50th Anniversary Conference
Riding the Wave of the Future:
Global Voices, Expanding Choices
May 29–June 1, 2013, JW Marriott Los Angeles L.A. LIVE

MONTHLY E-
NEWSLETTER
VOL. 8 NO. 5
MAY 2013

Upcoming Conferences



AFCC 50th Anniversary Conference
Riding the Wave of the Future:

Los Angeles, California

There is still time to register! Make your conference check-in even smoother by pre-registering online, even after the conference has begun! AFCC will already have your information so you can spend less time in line and more time getting the most out of the conference and enjoying time with friends and colleagues in Los Angeles. If you are already registered, be on the lookout for attendee emails, which contain important information for accessing conference handouts before the event as well as onsite logistics.

[Register online](#)

[Thank you to the conference sponsors](#)

Member Profile

Rebecca Bailey, PhD, Sonoma Valley, California

AFCC member, Rebecca Bailey, PhD, has never been one to be constrained by the conventional. "I think of my unique life experiences as a sort of very specialized training for what I do," she says. As the founder and director of Transitioning Families, Rebecca is able to combine her professional background, unique life experiences and love of horses to help high conflict families. Transitioning Families provides reunification therapy, individual and family therapy, family workshops, animal assisted therapy, life skills and supervised visitation, and a rapid response team for families in major, immediate transitions, such as abduction/exploitation.

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Member News

Philip Stahl, PhD, ABPP, Queen's Creek, Arizona, and **Robert Simon, PhD**, Del Mar, California, have written a new book, [Forensic Psychology Consultation in Child Custody Litigation: A Handbook for Work Product Review, Case Preparation and Expert Testimony](#), published by the American Bar Association Section of Family Law. The book is a comprehensive volume on the emerging field of forensic review, trial consultation, and the role of the expert witness in child custody litigation.

The second season of [Family Matters](#) with **Justice Harvey Brownstone**, Toronto, Ontario, will begin airing this month. This season's 16 episodes will include experts discussing topics such as gambling, family finances, bullying, anger management, same-sex parenting, and online dating.

NCJFCJ 76th Annual Conference in Seattle

Global Voices, Expanding Choices

May 29–June 1, 2013

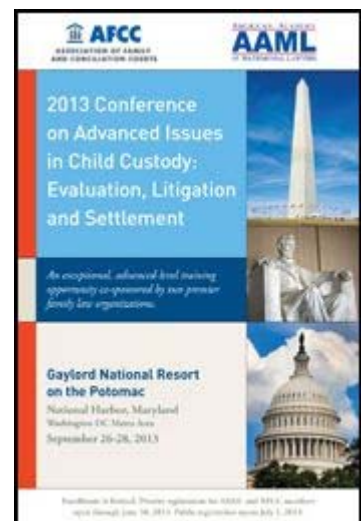
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Conference Platinum Sponsors



The National Council of Juvenile and Family Court Judges will host its 76th Annual Conference in Seattle, Washington, July 14-17. The annual conference provides cutting-edge information and tools to juvenile and family courts to support their efforts to improve case processing and outcomes for children, youth, families, victims, and communities with which they work. This conference will feature sessions on a range of juvenile and family law topics: child abuse and neglect, trauma, custody and visitation, judicial leadership, juvenile justice, sex trafficking of minors, family violence, drug courts, psychotropic medications, children testifying in court, detention alternatives, substance abuse, and the adolescent brain. Register before June 14 to take advantage of discounted rates.

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Temperament: What it is and Implications for Parenting Plans

By Marsha Kline Pruett, PhD, MSL and Robin Deutsch, PhD

Temperament is a set of in-born traits that affect the way a child typically reacts in different settings and situations—including parental separation or divorce. These traits are evident from birth, and generally remain through adulthood. One of the things evaluators, mediators, judges and court personnel need to keep in mind is the fit between a parent and child's temperament. Becoming aware of one's own temperament and the match or mismatch with a child's can increase a parent's sensitivity and responsiveness to that child.

[Read more](#)

New AFCC Publications

AFCC is pleased to announce three new editions to the *Essays from the Family Court Review* series: *Domestic Violence*, guest edited by Gabrielle Davis and Nancy Ver Steegh; *Social Science Research*, guest edited by Marsha Kline Pruett; and *Child Custody Evaluations*, guest edited by Robin M. Deutsch. The new titles will be available for purchase at the 50th Anniversary Conference in Los Angeles. Pricing is \$20 for members and \$24 for non-members. These new editions will be available for purchase through the AFCC website later this summer. In the meantime, use this [order form](#) or call the office to place an order. An edition on family dispute resolution is forthcoming.

FCR Student Author Recipient of Distinguished Legal Writing Award

Elise S. Dunton has been named a recipient of the 2013 Distinguished Legal Writing Award by the Burton Awards

AFCC–AAML Conference *Advanced Issues in Child Custody: Evaluation, Litigation and Settlement*

September 26–28, 2013
Gaylord National Resort
Washington, DC Metro Area
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AFCC Regional Training Conference

*There's No Place Like Two Homes:
The Complexities of Separation, Divorce and Co-parenting*
November 7–9, 2013
The Westin Crown Center
Kansas City, Missouri
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AFCC 51st Annual Conference

May 28-31, 2014
The Westin Harbour Castle
Toronto, Ontario, Canada

AFCC 11th Symposium on Child Custody Evaluations

November 6-8, 2014
Westin La Cantera Hill Country Resort
San Antonio, Texas

AFCC 52nd Annual Conference

May 27-30, 2015
Hilton New Orleans Riverside
New Orleans, Louisiana

AFCC Chapter Events

Ontario Chapter Conference

Our Families' Faces
October 18, 2013
Toronto Public Library
Toronto, Ontario
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Organization for her *Family Court Review* Note, *Same Sex, Different Rights: Amending U.S. Immigration Law to Recognize Same-Sex Partners of Refugees and Asylees*, which appeared in Volume 50, Issue 2, April 2012. Elise graduated from Hofstra University, Maurice A. Deane School of Law in 2012 and was a member of the *FCR* editorial staff. Each year only 15 student authors are selected for this honor out of all the entries received from US law schools. Elise is the first winner from *Family Court Review*.

[AFCC members click here to read the note](#)

Webinar on Mediating in ICWA Child Protection Cases

AFCC members Karen Largent and Terri Spigelmyer recently presented a webinar with Diane Payne on the Indian Child Welfare Act (ICWA). This webinar and others are archived on [ADRHub](#). ICWA applies when a state court is involved with a child custody proceeding involving Alaska Native/American Indian children who are members of, or eligible to be members of, a federally recognized Tribe. The presenters give a brief overview of the ICWA and discuss issues often addressed in mediation such as active efforts, ICWA placement preferences, preservation of a child's connection to tribe, transfer of jurisdiction, etc.

[Watch the webinar](#)

Poor Planning Produces (Predictably) Poor Results: Systematic Intervention Planning

By Lyn R. Greenberg, PhD; Robin M. Deutsch, PhD; Richard Gould-Saltman, JD, CFLS; and Judge David Cunningham

Families in conflict are frequently referred for services designed to reduce parental conflict, or to protect children from its detrimental effects. The variety of models available provide options for families, but also can create a confusing smorgasbord through which services are ordered or engaged with little planning or systemic thinking. Even when the individual professionals engaged are talented and ethical, poorly coordinated interventions may lead to wasted resources, an escalation of family conflict and greater risks or emotional harm to children.

[Read more](#)

Study on Self-Represented Litigants in Canada

University of Windsor law professor Julie Macfarlane has published a qualitative study on the experiences of over 250 self-represented litigants in three Canadian provinces (Alberta, British Columbia, and Ontario). She will discuss the results of the study at the AFCC 50th

practice.

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AFCC Chapters

Network and share your interdisciplinary view of family court matters on a local level. There are currently chapters in the following states and provinces:

Alberta
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New Jersey
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Ask the Experts

Is there a topic you would like to see covered by an AFCC Ask the Experts piece?

[Email your suggestion](#)

About AFCC eNEWS

Readers are welcome to forward this e-newsletter to interested colleagues. All opinions expressed are those of the author and do not necessarily reflect those of AFCC.

Editor:

Erin Sommerfeld
editor@afccnet.org

Anniversary Conference in Los Angeles at the Friday morning plenary session, *The Family Court of the Future*. Professor Macfarlane and one of the study participants were interviewed on CBC Radio show Day 6.

[Click here to listen to the interview and read more](#)

Family Law in the News

Florida Alimony Bill Veto Brings Relief, Outcry

By Barbara Peters Smith, courtesy of The Herald Tribune

If the anguish of divorced Floridians desperate to snip financial ties to their exes propelled a sweeping alimony reform bill through this year's Legislature, the fears of ex-wives and warnings from family lawyers helped to stop it. Emails and petitions imploring Gov. Rick Scott to veto the bill included a plea from Valerie Dillingham of Sarasota: "This will pull us down even further, putting more and more women 'on the streets,' many of which are much older."

[Read more](#)

Psychiatry's Guide Is Out of Touch With Science, Experts Say

By Pam Belluck and Benedict Carey, courtesy of the New York Times

Just weeks before the long-awaited publication of a new edition of the so-called bible of mental disorders (*Diagnostic and Statistical Manual of Mental Disorders*, or *DSM*), the federal government's most prominent psychiatric expert has said the book suffers from a scientific "lack of validity." The expert, Dr. Thomas R. Insel, director of the National Institute of Mental Health, said in an interview Monday that his goal was to reshape the direction of psychiatric research to focus on biology, genetics and neuroscience so that scientists can define disorders by their causes, rather than their symptoms.

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AFCC Thanks the Exhibitors at the 50th Anniversary Conference

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Member Profile

Rebecca Bailey, PhD, Sonoma Valley, California



AFCC member, Rebecca Bailey, PhD, has never been one to be constrained by the conventional. “I think of my unique life experiences as a sort of very specialized training for what I do,” she says. As the founder and director of [Transitioning Families](#), Rebecca is able to combine her professional background, unique life experiences and love of horses to help high conflict families. Transitioning Families provides reunification therapy, individual and family therapy, family workshops, animal assisted therapy, life skills and supervised visitation, and a rapid response team for families in major, immediate transitions, such as abduction/exploitation.

“I could have been a poster child for high conflict divorce cases,” she says, referring to her parent’s divorce in the 1970s. Though she vehemently rejects the archetype of the wounded healer, she came away from her experience feeling that there simply had to be a better way for kids to interact with the court and attorneys. Rebecca received her doctorate in psychology from The Wright Institute in Berkeley, California, and was later the director of the Sonoma Police Department’s Youth and Family Services Program and a therapist-

educator for programs such as Marin County’s DUI Program before founding Transitioning Families.

Her interest in equine and animal assisted therapy followed a natural progression when, about 14 years ago, she was looking for an alternative for families who resist a formal approach. At first, she quietly integrated equine assisted psychotherapy with regular therapy sessions, especially in complex case scenarios. The results were positive and she since continued and expanded these unconventional approaches. Rebecca said, “It’s easier to talk about things in the abstract, outside, in the arena. Getting everyone off the couch changes the dynamic. It integrates the non-blame focused methods of Warshak, Kelly and others—evidence based, yet innovative.”

The approach of Transitioning Families is team oriented as well as experience based. According to Rebecca, “all staff members are unique and highly professional in their fields. The collaborative, multidisciplinary, non-blame model can help non-motivated families gain clarity.” Rebecca emphasizes the importance of a strong team, “It’s important to surround yourself with others—don’t do this work alone. Make sure your core team challenges you; make sure someone disagrees with you once in a while.” Integral members to the Transitioning Families team include Jane Dickel, a seasoned LCSW, and Cynthia Psaila, a dedicated MFT intern, as well as a variety of multidisciplinary consultants and collaborators. “We don’t always agree but we always collaborate as a team about the families we are working with.” Adding that, “Professional collaboration and consultation are important, too and AFCC gives us access to both. AFCC trainings offer a multifaceted perspective. They foster collaborative relationships between therapists and attorneys and focus on child-centered interventions.”

“The experience families have with Transitioning Families is mindful, ethical and purposeful. Through activities like cooking together and equine assisted therapy the families are able to get out of their own way to an extent. They have a structured opportunity to work and play together,” Rebecca explained. Her husband, Charles, an accomplished chef (formerly for the prestigious Gaige House Inn), prepares meals with the families. “The change of scenery helps. Everyone lightens up; they let their defenses down a little,” she said, “It’s an intensive little laboratory. Sometimes there is a blow-up on day two or so, but it’s all part of this realistic approach.” Rebecca added that she is pleased to see these sorts of interventions becoming more common, for instance programs with AFCC member involvement, like Overcoming Barriers and Building Bridges.

Rebecca has a new book coming out in June. [*Safe Kids, Smart Parents: What Parents Need to Know to Keep Their Children Safe*](#) (Simon and Schuster) is co-written with her sister, Elizabeth Bailey, who is a psychiatric nurse. The book is about keeping children safe. To some extent the focus is on abduction, an area of expertise for both Rebecca and her sister, but the principles set forth can be applied more broadly to a wide variety of topics. Rebecca's work with victims of abduction and exploitation and their families (most famously, Jaycee Dugard, survivor of an 18 year abduction), has given her unique experience in this field.

The first section of the book informs parents, gives them facts about the dangers children face and ways to help children navigate those dangers safely. The second is devoted to age appropriate exercises for parents and children to work on together (or separately). To open conversation about these topics can be frightening, taboo, or difficult to discuss. "We want parents and children to communicate in an open honest way, but realize these are difficult issues. Our book tries to help by providing tools," Rebecca said.

A bit of self-care is important for professionals and families alike, "Take care of yourself," Rebecca advises, "In order to teach families to do this, we need to do it ourselves. I find horses, dogs and the environment I live in to be grounding for myself as well as for the families we work with. The setting of our program helps me to manage the intensity of this job. Longevity-wise, I need a strong, supportive environment that includes opportunities for play and connection."

It's not difficult to see how Rebecca's unique background has shaped her unconventional way of looking at the challenges facing her clients. You quickly become aware of how she must truly follow her own advice regarding self-care. There is definitely an element of lightness in conversation with her, however, make no mistake that as psychologists, Dr. Bailey and the team at Transitioning Families are no less serious than their more conventional counterparts.

Dr. Bailey lives with her husband, their five children, two dogs, four horses and two cats in the Sonoma Valley, California.



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Temperament: What it is and Implications for Parenting Plans

By Marsha Kline Pruett, PhD, MSL and Robin Deutsch, PhD

Temperament is a set of in-born traits that affect the way a child typically reacts in different settings and situations—including parental separation or divorce. These traits are evident from birth, and generally remain through adulthood.

Temperament Traits include:

- **Activity**
Is the child always moving and doing something or does the child have a more relaxed style?
- **Regularity**
Does the child have eating and sleeping habits or are they somewhat unpredictable?
- **Approach/withdrawal**
Does the child approach new situations and new people with eagerness or tend to shy away?
- **Adaptability**
Does the child adjust to changes in routines or plans easily or does the child become cranky or confused around transitions?
- **Intensity**
Does the child react strongly to situations, either positive or negative, or does the child react calmly and quietly?
- **Mood**
Does the child often express a negative outlook or is the child generally a positive person? Does the child's mood shift frequently or is the child usually even-tempered?
- **Persistence**
Does the child give up quickly when a task becomes difficult or does he/she keep on trying? Can the child stick with an activity a long time or does the child's mind tend to wander?
- **Distractibility**
Does the child get easily distracted from an activity or can the child shut out distractions and stay with the current activity?
- **Sensory threshold**
Is the child bothered by loud noises, bright lights, or new food textures, or does the child tend to ignore them and "go with the flow"?

Children and adults can be described as mostly falling into one of three categories of temperament. In reality these traits are often on a continuum, but we find that individuals' reactions can be characterized generally as comprising a cluster of traits. The most common temperament (found in about 40% of the population) is described as easy, flexible or resilient: the flexible person generally has regular rhythms, positive mood, low intensity, low sensitivity, and is adaptable. These children generally transition well, but may also get lost because they don't speak up. It is easy for these children to get along in the world without "making waves" because they are so even-tempered and adaptable.

A second category of individuals (about 15%) can be described as slow to warm up, cautious, shy or fearful. These individuals tend to withdraw at first, may need more time to adapt, withdraw or cry if rushed, and may get very connected to people and places but are slower to do so. These children do best

with slow transitions, familiar settings, predictable routines, transitional objects, and having a preview of changes before they occur. They often have more trouble living in two homes and one caregiver may be easier to manage for these children. The more settings to which they are required to adapt (e.g. daycare, preschool, other caregiving) the more difficult it is for them to stay on an even keel. For these children, siblings can be protective and helpful during transitions. As babies and toddlers, they tend to have more difficulty with transitions. Slow-to-warm-up children may find it difficult to leave either parent and may act clingy or whiny at transition times or just before or after making the transition. They need to know what changes are in store and must be given plenty of time and warning about transitions. They need routines they can count on, as they do not react well to changes they cannot anticipate. For babies, transitions to new homes and caregiving routines should be planned carefully.

A third category of temperament is referred to as difficult, fussy or active. This is also a smaller category of individuals (about 10%). They are characterized by high intensity, irregular rhythms, active, distractible, sensitive, and moody. Parents often describe these children as “a handful.” They need calm surroundings, patience and preparation for changes, flexibility, and often vigorous activity. Transitions are especially sensitive and difficult with this temperament. These children need plenty of warning to stop what they are doing before a change occurs, as they do not shift gears easily. They may “test” parents’ follow through when it is time to make a transition and may be disobedient or unhappy after moving from one house to another.

Parents are often quick to think children are reacting to something the other parent is not doing or is doing wrong. But these reactions may not be the fault of the other parent. They are the children’s efforts at having some control in their world. For most children, transitions will get easier over time.

One of the things evaluators, mediators, judges and court personnel need to keep in mind is the fit between a parent and child’s temperament. Parents need to adjust their reactions when they clash with their children’s responses. Developing ways to help children manage transitions or new situations, being more patient in preparing their child for transitions or new situations, being more patient as the child works out how he or she feels, or seeking creative or high-energy activities for the child to express him or herself may be required of, but not natural, for parents. Becoming aware of one’s own temperament and the match or mismatch with a child’s can increase a parent’s sensitivity and responsiveness to that child. It is the parent’s job to pace the transitions and parenting plan activities in synchrony with the child’s temperament. As children become school age and older, they learn how to better adapt their own natural tendencies to fit with the needs of a situation, especially if the caregivers in their life have helped them do so along the way, and especially during stressful transition points, in the separating and divorcing family.

Temperament material adapted from Alicia Lieberman’s Flexible, Fearful or Feisty DVD, Developed for the California Department of Education and WestEd (1990).



Poor Planning Produces (Predictably) Poor Results: Systematic Intervention Planning

By Lyn R. Greenberg, PhD; Robin M. Deutsch, PhD; Richard Gould-Saltman, JD, CFLS; and Judge David Cunningham

Families in conflict are frequently referred for services designed to reduce parental conflict, or to protect children from its detrimental effects. A developing professional literature, including *AFCC Guidelines for Parenting Coordination* (2005), *AFCC Guidelines for Court-Involved Therapy* (2010) and other resources, underscore the range of interventions that may assist conflicting parents and promote the healthy development of their children, as well as the enormous consequences to children when these issues remain unaddressed. The variety of models available provide options for families, but also can create a confusing smorgasbord through which services are ordered or engaged with little planning or systemic thinking. Even when the individual professionals engaged are talented and ethical, poorly coordinated interventions may lead to wasted resources, an escalation of family conflict and greater risks or emotional harm to children.

Interventions with high conflict families take place against a background of system stresses and professional controversies. When poorly constructed interventions fail, that failure can be used to justify generalizations about the ability of parents and children to change, the ability of such interventions to facilitate that change, and whether it is worthwhile to even make the attempt. Psychological science has not yet advanced to the point that we can identify precisely which combinations of services will work for each particular family. Nevertheless, considerable research exists both from studies of separated families and studies of child development and other interventions with families, which provide guidance for how to both select interventions and structure them to promote success. Moreover, the experience and knowledge of legal and judicial professionals allows them to identify common issues that may arise in contested cases and lead to protracted conflicts and delays in services actually provided for the benefit of children (Greenberg, Gould-Saltman & Gottlieb, 2008).

At the upcoming AFCC 50th Anniversary Conference in Los Angeles, the authors will present a workshop on systematic intervention planning, focusing on assessing the effectiveness of ongoing interventions and dealing with parental dissatisfaction or attempts to remove a professional. It is our position, however, that interventions are most likely to fail when inadequate attention has been devoted to the initial design and structuring of the plan. Issues to be addressed range from the process for selecting the professionals to drafting the orders or consents guiding the intervention, attention to the parties' rights, the underlying orders and provisions to support the changes needed by the family and intended by the court. While it is tempting to presume, or hope, that a detailed stipulation or order will be unnecessary, particularly when parties appear to be agreeing to the services or are on their best behavior in court, those hopes can prove ill-founded.

Unfortunately, a number of obstacles and areas of resistance may emerge in between the court's general order (or strong suggestion) that the parties obtain services such as counseling, and the parties' actual selection of a therapist (or parenting coordinator), signing of appropriate consents, providing payment, scheduling and, finally, participating in appointments. These tasks, in turn, simply set the stage for the more emotionally demanding requirements of making an intervention work (i.e. providing information to the professional, setting and keeping appointments, tolerating information or perspectives that are

different from one's own, learning to recognize the children's needs, and mastering the skills needed to reduce conflict and support the child's development). In some cases, parents will need to communicate more promptly with each other and make concerted effort to coordinate important child-centered activities such as school functions and extracurricular activities. In others, parents who have been heavily focused on the deficiencies of the other parent or household will need to learn to disengage. When parents begin services, many disagree about the nature of the problems, are unclear about the changes expected by the court, and are reluctant and resistant to believe that their own parenting behavior needs to change. Their experiences with the legal system may leave them focused on the "ultimate issues" and legal labeling that are often the focus of court hearings (e.g., which parent has "primary custody," whether the other parent has "visitation" or a "custodial time-share," whether the allocation of parental decision-making authority is labeled "joint legal custody"), rather than on the daily activities and decisions that are often much more important to children. Even with the best of intentions, disputes about these and other issues may prove fatal to effective treatment or dispute resolution. If the parties must return to Court to clarify the meaning of the court's order or the structure for services, precious time, energy, and resources may be lost and children's problems may become more entrenched and resistant to change. Un-coordinated services may also lead to conflict among professionals that mirrors dynamics in the family.

Consideration of past problems

While the best approach is to avoid failed interventions, families do often come to court with histories of failed attempts, or raising current obstacles to making a plan work. Have past plans broken down due to scheduling disputes, parents scheduling conflicting activities for the children, or refusing to provide the information needed to solve problems promptly? Counsel may wish to ask the adult client all of the methods that might be used by the *other* parent to sabotage the intervention, then suggest provisions for the stipulation to prevent such occurrences (Greenberg & Bohlen, 2013).

A Detailed Court Order: Why and how?

The creation of a detailed intervention plan may initially seem more time consuming, but "is more than an academic exercise" (Cf. *In re Marriage of Seagondollar* (2006) 139 Cal. App. 4th 1116, 1132 regarding an inadequately specific order appointing a custody evaluator). The process facilitates clarity as to each person's responsibilities, the expectations of the court, and initial steps for addressing any problems that arise later. In the best of circumstances (i.e. when parents sincerely want to assist the child) the first impulse may be to adopt a *laissez-faire* approach to the specifics of the intervention. A detailed order, however, helps parents to think through the commitment they are making and communicate about the best provisions to support the child. When parents are more resistant to change, the detailed stipulation provides clarity and promotes accountability. The process of developing the order may also reveal if the initially-conceived intervention plan is adequate to meet the family's needs.

Experienced professionals will often have encountered interventions that have gone awry, or have become the subject of controversy. Model orders identify issues that should be addressed, including initial steps that should be taken if a problem or concern arises later. These issues might include, but are not limited to:

A) Selection of the Professional

The court should require that the professional has minimum necessary education, experience, and training qualifications. If the court determines that a team should be appointed (e.g. high risk issues, such as allegations of abuse or alienation), the court should provide detailed orders for structure of the team including how the team is constituted. If the team will be PC led, one should choose a PC with sufficient expertise in court-involved treatment. If the parents won't stipulate to a PC, a court appointed family therapist may be able to lead, but only with strong support from the court (Greenberg & Sullivan, 2012; Greenberg, Doi Fick & Schnider, 2012).

B) Goals for the Intervention

It is suggested that these be as specific and behavioral as possible. The court may consider involving the professional via conference call to set goals that are appropriate to the boundaries of the professional role and relevant ethical standards. It is rarely helpful to include blanket directions such as "reduce parental conflict" as it is rarely necessary for children's development

that the parents agree about everything. It is often important, however, that parents be able to attend a child's school performances or athletic practices without engaging in open conflict. A therapist can help parents understand the child's need to see that parents can control themselves, and may help develop specific behavioral advice for events that both parents attend. A PC may be needed to direct the decision-making process used for selecting a child's activities, and to set expectations about parental behavior. The overall aim is to create a "space" in which the child can achieve healthy development and adjustment. Parents may generally like this idea, but disagree about how to accomplish this or lack the skills to genuinely place the child's needs first. Specificity aids the development of appropriate plans, and also provides the mental health professional, the attorneys, the parents, and the court with a gauge to measure the effectiveness of the intervention (Deutsch, Coates, & Fieldstone, 2007; Greenberg & Sullivan, 2012; Greenberg, Doi Fick & Schnider, 2012).

C) Payment Responsibilities

High conflict families may be heavy consumers of professional services, and may in fact benefit from between-session services to help them remain "on track." Greater coordination among professionals and review of documentation may be required and the court can never assume insurance coverage. Orders should therefore include:

- Detail as to the types of services that may be required (attachment of the provider's fee agreement may be helpful).
- Specificity regarding who is responsible for payments.
- Options available to professionals if services are suspended for nonpayment—should the court be advised?
- Possible requirement of advance payments or other mechanisms for enforcement/consequences.

D) Procedures and Discretion for the Professional

Qualified professionals may need flexibility on issues such as:

- Procedures for the intervention
- Appointment setting
- Determining who should participate in meetings
- When a child's behavior has been at issue, the order should explicitly require:
 - that the parent use his/her parental authority to gain compliance by the child,
 - that the parent cooperate with the professional,
 - that the intervention be a top priority.

E) Identify the client

Identification of the client may have important consequences for how information is handled. Is the "family" considered to be the client, or are the parents being asked to participate in services for the benefit of the child? The court may consider involving the professional in this discussion.

F) How is information handled?

The order needs to identify any of the information that is privileged and, if so, which components if there is a PC involved. That may allow each parent and the child to retain some privacy in treatment, with the PC serving as the conduit of necessary information between team members and to the court. Such a structure may be also attempted with a court-appointed family therapist. The court should consider whether there can be protections for the child but accountability for the parents, and if the intervention fails or a party returns to court, what information (if any) can be released and to whom. Each jurisdiction may have their own rules for children testifying in court, but a parent may propose that a child address the court. In that case, should information from the professionals be involved in this decision, and if so, how?

Underlying Court Orders

In crafting a detailed court order, it is critical that professional role boundaries are maintained. It is a common mistake to appoint a conjoint or reunification therapist and authorize that therapist to determine

the pace at which parenting time resumes. This is inconsistent with the therapist's role, may constitute an ethics violation or an improper delegation of the court's authority (as this goes to press, the authors note [the order of the Pennsylvania Supreme Court](#) April 23, 2013, vacating, statewide, PC orders on the basis of concern as to improper delegation of decision-making) and may fatally compromise the intervention.

Nevertheless, freezing the current schedule for long periods may also prevent progress. Options may include:

- 1) A PC who can order changes within limits,
- 2) A pre-set schedule for progress determined by the court,
- 3) Short review dates,
- 4) Provisions to allow participation in other aspects of parenting, such as attendance at school events, unless there are safety concerns, and
- 5) Inducements to cooperate and/or sanctions if a parent does not comply.

Finally, the court may consider how a parent may terminate the intervention and/or professional. The court may want to outline a plan that directs the parent to participate in particular problem-solving strategies before the parties return to court.

Well planned interventions for families in conflict often require the coordination of the court and the professional team. As we prepare for a conference focused on moving forward and expanding choices, it will be important to consider the role of adequate preparation and detail in selecting and planning interventions. Detailed court orders that include provisions for selection of the professional, goals of the intervention, payment responsibilities, procedures for the professional, identification of the client, and a process for sharing of information are most helpful in advancing the intervention.

References

- Cf. *In re Marriage of Seagondollar* (2006) 139 Cal.App.4th 1116, 1132 regarding an inadequately specific order appointing a custody evaluator)
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