



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

AFCC 51st Annual Conference in Toronto **Navigating the Waters of Shared Parenting: Guidance from the Harbour**

May 28-31, 2014 at the Westin Harbour Castle

The conference program will be available at the end of December. In the meantime, here is a sneak peek of the plenary session topics and presenters. We are pleased to welcome keynote speaker, Fiona Sampson, Co-founder and Executive Director of [the equality effect](#). The first plenary is a panel discussion on shared parenting, featuring: J. Herbie DiFonzo, Marsha Kline Pruett, Philip Epstein, Martha McCarthy, Hon. R. John Harper, and Larry S. Fong. Next, a plenary session on parenting in the context of domestic violence, featuring: Loretta Frederick, Gabrielle Davis, Katrina Scott, and Peter Jaffe. The April 2014 *Family Court Review* will be a special issue related to the conference theme.

[More information](#)

December 3rd Deadline for Sponsors and Advertisers

The December 3 deadline for sponsorships to be listed and advertisements to be included in the printed conference program is just around the corner. Our generous sponsors help AFCC to keep conferences affordable and accessible to more professionals by

MONTHLY E-NEWSLETTER
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Upcoming AFCC Conferences

AFCC 51st Annual Conference

May 28-31, 2014
The Westin Harbour Castle
Toronto, Ontario, Canada
[More information](#)

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

offsetting increasing conference expenses. Advertising in the conference program is an effective way to have your message received by a large audience of family law professionals who receive an AFCC conference brochure by mail, with additional exposure in the digital version of the brochure. [More information](#) or contact [Erin Sommerfeld](#).

Passports Needed for US Residents Traveling to Canada

Make sure you carry proper identification for yourself and children traveling with you. [Canada Border Services Agency's website](#) provides complete information on what is necessary to enter Canada. US citizens and permanent residents will need proof of citizenship, such as a passport. Routine passport applications are being processed in approximately 4-6 weeks. US residents visit [travel.state.gov](#) for more information.

Give a Gift to the AFCC Scholarship Fund

The AFCC Scholarship Program was created just over ten years ago and, through generous gifts from AFCC members, has helped more than 300 professionals, who would have otherwise lacked adequate funds, to attend AFCC conferences. This year, your gift will ensure that the Scholarship Program can continue to make AFCC conferences accessible to more professionals. If you have already given to this appeal, thank you for your support. You have helped to make conference attendance a reality for a deserving colleague. If you have not yet given, please consider giving today. Every gift—\$100, \$50, \$25, any amount that feels right to you—brings us closer to our goal.

[Donate online today](#)

Child Protection Mediation—Relatively Speaking

By Susan M. Storcel, JD, Chicago, Illinois

Most of us have them. Perhaps it's a cousin with whom you never connect, or an obnoxious uncle who embarrasses the family at every public function. It might be an aunt who rebuffs you because, in her eyes you just don't measure up to others in the family. Maybe it's a rival sibling or a parent with whom you had a falling-out that remains unresolved. We all handle these situations in different ways. I choose to keep my distance and be ostensibly polite on those rare occasions when we meet. You may have a different tactic. Our individual approaches seem to work for us because our lives are sufficiently separate from those of our estranged relatives. Now, imagine instead that your life was closely intertwined with that family member. Imagine that a relative from whom you are alienated has been granted possession and physical custody of something most dear to your heart. Now what do you do?

[Read more](#)

AFCC Regional Training Conference

November 5-7, 2015
Hyatt Regency Columbus
Columbus, Ohio

AFCC 53rd Annual Conference

June 1-4, 2016
Sheraton Seattle Hotel
Seattle, Washington

AFCC 54th Annual Conference

May 31-June 3, 2017
Sheraton Boston Hotel
Boston, Massachusetts

AFCC Chapter Annual Conferences

Wisconsin Chapter Annual Conference

Social Media, Electronic Evidence and the Resolution of Family Conflict in the Digital Age
December 6, 2013
Delafield Brewhaus
Delafield, Wisconsin
[More information](#)

Arizona Chapter Annual Conference

Exploring Innovative Paths for Families in Conflict
January 31-February 2, 2014
Hilton Sedona Resort and Spa
Sedona, Arizona
[More information](#)

California Chapter Annual Conference

Back to the Future: Serving California's Changing Families
February 7-9, 2014
InterContinental Mark Hopkins
San Francisco, California
[More information](#)

Still Time to Register Custody Evaluation and PC Trainings

AFCC, in collaboration with University of Baltimore School of Law's Sayra and Neil Meyerhoff Center for Families, Children and the Courts, will hold two training programs in December at the University of Baltimore School of Law. David Martindale, PhD, ABPP, will present *The Model Standards and Beyond: Custody Evaluations and Risk Management*, December 2-3. Debra Carter, PhD, will present *Transforming Family Dynamics: Fundamentals of Parenting Coordination*, December 4-5. Each training program is eligible for up to 12 hours continuing education. AFCC members receive a discounted registration rate.

[Register now](#)

AFCC Regional Training Conference Wrap-Up

The AFCC Regional Training Conference in Kansas City, Missouri, was a great success. Thank you to the Missouri Chapter, the Conference Program Committee: Andrea Clark, Hon. Denise McColley, Matthew Sullivan, and Larry Swall. We will look forward to the next Regional Training Conference in 2015.

Conference Audio and Materials Available

Access to audio recordings of the conference plenary sessions is a benefit of AFCC membership. AFCC members can log in [here](#) to listen to free conference audio of the Opening Session and Keynote Address, *Two Homes: A Time to Ask the Tough Questions*, presented by Isolina Ricci, PhD. Audio recordings of all conference sessions are available for purchase either as a discounted package or individually through [Digital Conference Providers, Inc.](#) AFCC has a limited number of USB drives containing conference session handouts available for purchase, \$20 for members and \$40 for non-members with no fee for standard shipping. Call the AFCC office at (608) 664-3750 or email [Carly Kreger](#).

Online Certificate of Attendance

Conference attendees can now get Certificates of Attendance online. Log in on the AFCC website, verify the sessions you attended, and print your certificate from your home or office.

[More information](#)

Member News

Maria Cognetti, Camp Hill, Pennsylvania, was sworn in as the President of the American Academy of Matrimonial Lawyers (AAML) in November. Maria joins outgoing President **Alton Abramowitz**, and Past President **Ken Altshuler**, as AFCC members who recently served as

Louisiana Chapter Annual Conference

Restructuring the Family: Incorporating Different Needs and Perspectives into Your Practice

March 27-28, 2014

Hampton Inn & Suites

New Orleans, Louisiana

[More information](#)

Massachusetts Chapter Annual Conference

March 28, 2014

Regis College

Weston, Massachusetts

[More information](#)

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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:

Australia
Alberta
Arizona
California
Colorado
Connecticut
Florida
Illinois
Indiana
Louisiana
Massachusetts
Minnesota
Missouri
New Jersey
New York
Ontario
Oregon
Texas

AAML President.

Norma James, Trinidad and Tobago, a friend and colleague passed away on November 5. She worked with the Family Court of Trinidad and Tobago and volunteered with Special Olympics and many other organizations. Norma was a dedicated member, promoting AFCC to colleagues, and was a frequent, welcomed presence at AFCC conferences. She will be greatly missed.

The newest book by **Isolina Ricci**, San Ramon, California, [The CoParenting Toolkit](#), has been selected as a finalist in the Parenting and Family category of the 2013 USA Best Book Awards.

Nancy Zalusky Berg, Lilo D. Kaiser, Tara L. Smith Ruesga, and Laura Sahr Schmit, Minneapolis, Minnesota; **Esther Lenkinski**, Toronto, Ontario; and **Véronique Chauveau**, Paris, France; are contributors to a recently released book titled, [Family Law Jurisdictional Comparisons](#), Second Edition 2013, published by European Lawyer/Thomson Reuters. The book is a volume in the European Lawyer Reference Series, expanding its second edition to cover eight United States jurisdictions and 37 countries.

Sesame Workshop Kits Free for AFCC Members

Last year, AFCC partnered with Sesame Workshop on the *Little Children, Big Challenges: Divorce* project. Approximately 8,000 of the printed kits have been distributed to date. AFCC members (in the United States) are able to [order free kits](#) to share with their clients in increments of 50 and 100. Kits include a children's storybook, *A Two Hug Day*, a guide for parents and caregivers, and a Sesame Street DVD. The materials are also available digitally on the [AFCC website](#). Sesame Workshop has also put together a [kit for incarcerated parents](#) and [resources for military families](#).

Call for Nominations, AFCC Awards

Nominate a colleague or a program for one of the following AFCC awards by March 15, 2014. Awards will be presented at the AFCC 51st Anniversary Conference. The John E. VanDuzer Distinguished Service Award recognizes outstanding contributions and/or achievements by AFCC members; the Stanley Cohen Research Award, sponsored by the Oregon Family Institute, recognizes outstanding research and/or achievements in the field of family and divorce; and the Irwin Cantor Innovative Program Award recognizes innovation in court-connected or court-related programs created by AFCC members.

Washington Wisconsin

[Add an AFCC Chapter to your membership](#)

AFCC Networks New Zealand

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.

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Family Law in the News

Is Divorce Contagious?

By Rich Morin, courtesy of Pew Research

As if married people don't have enough to worry about, a new study suggests that the divorce of a friend or close relative dramatically increases the chances that you too will divorce. Researchers found that study participants were 75% more likely to become divorced if a friend is divorced and 33% more likely to end their marriage if a friend of a friend is divorced.

[Read more](#)

Adultery Falls Behind Bad Behaviour as Leading Grounds for Divorce

By Rebecca Smithers, courtesy of The Guardian

Warring couples are only half as likely to cite adultery as the cause of a marriage breakdown than they were 40 years ago, but claims of unreasonable behaviour have rocketed, analysis of more than 5m divorce cases has shown. Co-operative Legal Services compared the grounds for divorce in the 70s, 80s, 90s and 2000s as well as the present day.

[Read more](#)



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Child Protection Mediation—*Relatively Speaking*

By Susan M. Storcel, JD, Chicago, Illinois

Most of us have them. Perhaps it's a cousin with whom you never connect, or an obnoxious uncle who embarrasses the family at every public function. It might be an aunt who rebuffs you because, in her eyes you just don't measure up to others in the family. Maybe it's a rival sibling or a parent with whom you had a falling-out that remains unresolved. We all handle these situations in different ways. I choose to keep my distance and be ostensibly polite on those rare occasions when we meet. You may have a different tactic. Our individual approaches seem to work for us because our lives are sufficiently separate from those of our estranged relatives. Now, imagine instead that your life was closely intertwined with that family member. Imagine that a relative from whom you are alienated has been granted possession and physical custody of something most dear to your heart. Now what do you do?

Many parents involved in child protection cases¹ find themselves in this very predicament. Children removed from their parents' care due to allegations of abuse, neglect or abandonment are often placed in Kinship Care by the state child welfare authority. That is to say, they are placed with maternal or paternal relatives or godparents. It has been argued, and research suggests, that children in state custody are best served by being placed with family members. But what if the relative is the grandmother who has figuratively disowned her daughter for disgracing the family with her drug use? What if the children are placed with their father who abandoned their mother for another woman, or with a paternal aunt who bears a long-standing grudge against the mother? Imagine how difficult, how painful this could be for the mother—a second blow following the removal of the children, salt in the wound. If the mother tries to fight the placement, she will likely be viewed as argumentative and combative by the attorneys and caseworkers who serve as the eyes and the ears of the court. And it is the court that will ultimately determine if and when the children are returned to her care and custody. On the other hand, if she passively submits, her visits with her children while they are in state care will likely be limited to the statutory minimum, which can be as little as one hour of supervised contact each week in a social service agency office.

Consider also how placement dilemmas such as these impact the children. Research shows that frequent, regular parent/child visits minimize the trauma of removal² and promote timely reunification.³ Generally, children placed with relatives enjoy more frequent and informal visits with their parents in the caregiver's home, or at family celebrations such as birthday parties and holiday gatherings. However, when a parent's relationship with the relative caregiver is strained or non-existent, social workers with large caseloads are often charged with supervising visits. As a result, visits are typically shorter, they occur less often, and they take place in an uncomfortable office environment or crowded public venue. Additionally, even very young children are able to detect and can become anxious about animosity that exists between the adults in their lives.⁴ Due to this increased anxiety, children might begin to exhibit disruptive or manipulative behavior before, during, or after visits, which may also reflect poorly on the parent. If tensions between the parent and caregiver persist and continue to interfere with increased, quality visits between the parent and children, and if the children continue to be distraught over the conflict, the professionals might determine that reunification is no longer in the childrens' best interest, and recommend to the court that parental rights be involuntarily terminated.

Families involved in these types of disputes should be referred to child protection mediation (CPM) as soon as possible after the child protection case is opened. CPM is a collaborative problem solving process involving an impartial and neutral person who facilitates constructive negotiation and

communication among parents, lawyers, child protection professionals, extended family members, and possibly others, in an effort to reach a consensus on how to resolve issues of concern when children are alleged to be abused, neglected or abandoned.⁵ Familial conflicts frequently take years to develop.⁶ Often multiple sessions are needed before the parties can move beyond their pain toward making significant progress in resolving their issues. Therefore, the process should be initiated at the front end of the case to provide the time necessary for deep-rooted emotional wounds to heal and damaged relationships to mend, before it becomes necessary to refocus the case from reunification toward a permanency option for the children that might further polarize the family.

Often, disputes between family members are based on perception rather than fact.⁷ Unlike litigation, the goal of CPM is not to sort fact from fiction or to assess blame. CPM creates a problem solving, forum for the family as opposed to the win-lose paradigm of the adversarial court system.⁸ It focuses on future behavior rather than past conduct. Except to the extent necessary to help the participants address their longstanding dispute, CPM is not used to explore the family's past. Instead, its goal is to help the disputants move beyond their pain and explore options aimed at putting the quarrel behind them and moving forward in a more constructive way. It helps quarreling family members decide for themselves how to resolve their disputes, not by fighting, but by talking out their differences with the mediator helping them address their true interests and, most importantly, the best interests of the children. CPM encourages family self-determination and helps the family develop its own skills in negotiating conflict in the future.⁹ These skills will be especially important when the case is closed and professionals are no longer available to broker a truce between the relatives, or to supervise contact between the parents and children.

Familial disputes are only one of the myriad of topics appropriate for CPM, but they are particularly well suited for the process. The goals of CPM are broader than traditional negotiated settlements, in that a primary goal is to build long-term relationships that benefit the children.¹⁰ Through a facilitated dialogue in CPM, estranged relatives who play important roles in the children's lives may use their mutual concerns for the children and desire to act in their best interests as a foundation on which to rebuild their damaged relationship. The consequence of their efforts will likely be timely permanency for the children, and a more promising future for the family.

¹ Also known as dependency cases. .

² See, Juddith S. Ryeus & Ronald C. Hughs, *Field Guide to Child Welfare*, CWLA Press (1998).

³ See, Inger Davis, John Landsverk, Rae Newton & William Ganager, *Parental Visiting and Foster Care Reunification*, *Children and Youth Services Review*, 18 (1996).

⁴ See, Sandra J. Morris, *Grandparents, Uncles, Aunts, Cousins, Friends: How is the Court to Decide Which Relationships Will Continue?* *Fam. Advoc.*, Fall 1989, at 10, 12.

⁵ See, Kelly Browe Olson et al., Association of Family and Conciliation Courts, *Guidelines for Child Protection Mediation*, p. 6 (2012), www.afccnet.org/resourcecenter/practiceguidelinesandstandards.

⁶ See Michael E. Ratner, Note, *In the Aftermath of Troxel v. Granville: Is Mediation the Answer?* 39 *Fam. Ct. Rev.* 454 (2001).

⁷ *Id.*

⁸ Hugh McIsaac, *Confidentiality Revisited*, *California Style*, 39 *Fam. Ct. Rev.* 405, 406 (Oct. 2001).

⁹ *Id.*

¹⁰ See, Debra Ratterman Baker, *Dependency Mediation: Strategies for Parent's Attorneys*, 18 *ABA Child L.Prac. No.* 8, 124 (Oct. 1999).

Susan M. Storcel was appointed Director of the Cook County Child Protection Mediation and Facilitation Program in June 2003. Before joining the program she worked for the Office of the Cook County Public Guardian for more than 13 years, representing abused and neglected children for more than ten of those years. She was a supervising attorney in the office's juvenile division for nine years. Susan chairs the Court Culture Child Protection Committee which is responsible for implementing innovative programs and policies in the Child Protection Division of the Cook County Juvenile Court. She earned her BA from North Central College and her JD from DePaul University in 1990. Susan has presented numerous workshops pertaining to Child Protection Mediation at AFCC Annual Conferences.

The *AFCC Guidelines for Child Protection Mediation* were published in the October 2013 issue of *Family Court Review*, and include an introduction by Marilou Giovannucci and Karen Largent, Workgroup Co-Chairs. AFCC members can log in [here](#) to read it online.