



ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS



eNEWS

## **AFCC 12th Symposium on Child Custody Evaluations *Abuse, Alienation and Gatekeeping: Critical Issues for Family Court Professionals***

**November 3-5, 2016, Sheraton Atlanta Hotel, Atlanta, GA**

Save the date! The program brochure will be available online and mailed in July. For now, take a look at the list of [featured topics](#) and start checking out the area. The Sheraton Atlanta is within a short walk from the Peachtree Center train station and a half-mile from [Centennial Olympic Park](#). Check back soon for more information.

### **New Webinars**

AFCC is introducing webinars in 2016! Topics will include: examining intimate partner violence, visitation resistance, relocation, self-represented litigants, and more. Members register for only \$10, non-members register for \$40. Registration will open later this summer.

[More information.](#)

### **Annual Conference Wrap-Up**

AFCC 53rd Annual Conference, *Modern Families: New Challenges, New Solutions*, June 1-4, 2016, at the Sheraton Seattle, was a great success. Over 1,000 family law professionals, from 23 countries, were in attendance. Thank you to those who took interest in and tried out the new mobile app! It was useful and fun to read the activity stream, and we hope this will be a staple at all future AFCC conferences.

See you at next year's annual conference in Boston—mark your calendar, May 31-June 3, 2017! Look for the Call for Proposals later this summer.

MONTHLY E-  
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## **Congratulations Award Recipients**

The **John E. VanDuzer Distinguished Service Award** was presented to Sherrie Kibler-Sanchez and Ernie Sanchez; the **Stanley Cohen Distinguished Research Award** was presented to Stephanie Coontz; the **Irwin Cantor Innovative Program Award** was awarded to the Enhancing Families Through Literature program; the **Meyer Elkin Essay Award** was presented to William J. Howe, III and Elizabeth Potter Scully; and the **Tim Salius President's Award** was presented to Nicola Taylor and Marilyn Freeman, with **Special Commendation** to Janet Walker. Congratulations to all and thank you for your contributions.

## **Poster Gallery**

Posters representing current research, practice and policy were displayed at annual conference. PDF versions of some of the posters are available [here](#). Thank you to all of our poster authors.

## **Certificates of Attendance**

If you attended the conference and require a certificate of attendance, they are available online for a processing fee of \$15 for members and \$20 for non-members. If you did not sign up for a certificate with your registration, this fee can be paid online.

[More information](#)

## **Conference Materials**

There are a limited number of USB drives containing conference session handouts available for purchase. The cost for a USB drive is \$15 for members and \$25 for non-members, shipping fees apply. Call the AFCC office at 608-664-3750 or email [afcc@afccnet.org](mailto:afcc@afccnet.org) to order.

## **Giving Thanks**

This conference would not have been the incredible success it was without the help of many extraordinary people and organizations. Thank you to the Washington Chapter of AFCC and its Board of Directors; our [conference sponsors, collaborating organizations, conference program committee, conference shepherds](#), presenters, [exhibitors](#), advertisers, dine around leaders, hospitality suite hosts, auction donors, volunteers and bidders, and, of course, everyone who attended.

## **Thank You Scholarship Fund Donors**

This past year your generosity provided 31 full conference scholarships and 10 travel stipends, giving more individuals the opportunity to attend AFCC conferences. The opportunities you have given the recipients truly make a lasting difference in their practice and careers. [Thank you to everyone who donated](#) to the 2015-2016 appeal. Although our goal was met for this year, every donation helps award more scholarships and travel stipends.

## **AFCC 12th Symposium on Child Custody Evaluations**

*Abuse, Alienation and Gatekeeping: Critical Issues for Family Court Professionals*  
November 3–5, 2016  
Sheraton Atlanta Hotel  
Atlanta, Georgia

## **Chapter Annual Conferences**

### [Minnesota Chapter Annual Conference](#)

July 14, 2016  
St. Paul, Minnesota

### [Australia Chapter Annual Conference](#)

August 18-20, 2016  
Brisbane, Queensland

### [Wisconsin Chapter Annual Conference](#)

September 16, 2016  
Pewaukee, Wisconsin

### [Florida Chapter Annual Conference](#)

September 28-30, 2016  
Orlando, Florida

### [Indiana Chapter Annual Conference](#)

October 7, 2016  
Indianapolis, Indiana

### [Colorado Chapter Annual Conference](#)

October 7-9, 2016  
Breckenridge, Colorado

### [Ontario Chapter Annual Conference](#)

October 21, 2016

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### **AFCC Board Approves IPV Guidelines**

The AFCC Board of Directors has unanimously approved new [Guidelines for Examining Intimate Partner Violence: A Supplement to the AFCC Model Standards for Child Custody Evaluation](#). The Guidelines are aspirational in nature, and were developed to assist members of AFCC and others who conduct child custody evaluations, and examine how they should identify the occurrence of intimate partner violence and the possible effects on children, parenting, and co-parenting. The task force was sponsored by AFCC, in collaboration with the National Council of Juvenile and Family Court Judges, and in consultation with the Battered Women's Justice Project.

### **Newly Elected AFCC Officers**

Please welcome our new AFCC Executive Committee: President, Marsha Kline Pruett, PhD, MSL, Northampton, Massachusetts; President Elect, Annette T. Burns, JD, Phoenix, Arizona; Vice President, Hon. Dianna Gould-Saltman, Compton, California; Secretary, Matthew J. Sullivan, PhD, Palo Alto, California; Treasurer, Mindy F. Mitnick, EdM, MA, Edina, Minnesota and Past President, Hon. Peter Boshier, Wellington, New Zealand. Thank you to all outgoing officers for their hard work and service.

### **Chapter News**

Maryland received its chartered chapter status at the Seattle AFCC Board Meeting. Welcome to AFCC's 21st chartered chapter!

### **Member News**

Dr. Mark L. Goldstein, Illinois, is the editor of the recently published book *Handbook of Child Custody*. [More Information](#).

Dr. Howard Drutman, Georgia, is the author of the recently published book *Divorce: The Art of Screwing Up Your Children*. [More Information](#).

### **Conferences of Interest**

The [NCJFCJ 79th Annual Conference](#) will be held in Monterey, California, July 17-20, 2016. The program features presentations on current and cutting edge topics that will inspire, provoke, and precipitate discussions about issues facing the juvenile and family court system. Plenary sessions highlighted by topic specific training tracks on family law, juvenile justice, child welfare, and family violence; as well as tracks featuring practical and innovative solutions are just the beginning of the educational offerings of the NCJFCJ's 79th Annual Conference.

The [International Family Law Conference](#) (IFLC) will be held in

Toronto, Ontario

### [Arizona Chapter Annual Conference](#)

January 27-29, 2017  
Sedona, Arizona

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Singapore from September 29-30 at the Supreme Court Auditorium. Themed “The Future of Family Justice: International and Multi-disciplinary Pathways,” the conference will see experts from the judicial, legal, psychological, social science and ADR sectors coming together to share insights into the needs and challenges for Family Justice systems around the world now and into the future.

**Free eBook Download of the Month**

This month, we are offering the Essays from the Family Court Review—Social Science Research. This collection of essays focuses on social science as a bridge to practice and policy. Articles showcased follow an introduction exploring how social science research can contribute to family law practice and policy. Editor: Marsha Kline Pruett. (2013). [View and download the eBook](#) (members only). [Order this book](#).

# AFCC 53rd Annual Conference Exhibitors

## **7th World Congress on Family Law and Children's Rights**

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[onlinelibrary.wiley.com/journal/10.1111/%28ISSN%291744-1617](http://onlinelibrary.wiley.com/journal/10.1111/%28ISSN%291744-1617)

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**AFCC 12th Symposium on Child Custody Evaluations**  
*Abuse, Alienation and Gatekeeping: Critical Issues for Family Court Professionals*  
**November 3-5, 2016, Sheraton Atlanta Hotel, Atlanta, GA**

**Featured topics:**

**Pre-Symposium Institutes:**

- Advanced psychological testing
- Advanced issues in mediation
- Nuts and bolts of child custody evaluations
- IPV and custody evaluation guidelines

**30 Workshops include:**

- Alienation and estrangement
- Developing your skills as a testifying expert
- Gatekeeping
- Ethical Issues in child custody
- Relocation
- Allegations of abuse in child custody cases
- What judges and lawyers need to know about child custody evaluations
- Conducting effective collateral interviews





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**AFCC 53rd ANNUAL CONFERENCE**

# **MODERN FAMILIES: New Challenges, New Solutions**

**Sheraton Seattle Hotel • June 1-4, 2016**

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## **Top 10 Critical Issues in Child Development for Family and Juvenile Judges**

Family and Juvenile Court judges make important decisions in complex cases every day. These cases often involve substance abuse, mental health, family violence, and trauma. Before a judge can make an appropriate decision regarding custody, parenting time, reunification, child support or relocation, she must also consider how the child will be impacted. Those decisions require knowledge of child development, and most judges are not experts in the field and do not have access to those with that expertise. Here are ten of the most important things every juvenile and family court judge needs to know to make informed and developmentally appropriate decisions in the best interests of children.

### **1. Child Development is Brain Development**

Children develop in utero in predictable and organized ways, which it makes it possible to know, for example, at how many weeks into a pregnancy an ultrasound will allow us to determine whether the baby is a boy or a girl. In this same predictable way, development unfolds throughout childhood. Most of this development is based on the growth and maturation of the brain. As the child's brain develops, the child acquires new capacities in their thinking and navigation of their interpersonal world.

In family court, we understand that very young children are not mature enough to indicate their preferences about parenting plans. Often when it comes to school-aged children, however, parents argue that a child is "mature for their age" and should therefore have a role in decision-making. Children may be perceived as mature when they are intelligent or have particularly strong verbal skills. It is critical to remember, however, that despite intelligence, brain development takes the full span of childhood to evolve. No 9 year old child can take the perspective of other family members or consider the long term consequences of their actions in the way a 14-year-old child can, and neither can do so as well as a 17-year old child can.

### **2. Very Young Children have an Organized System for Using their Parents to Regulate Themselves, and We Must Protect this System.**

Babies and toddlers cannot manage their bodies and emotions on their own; they require the responses of adults for every basic need. This includes the physical tasks of feeding and changing, but also includes the emotional and relational tasks of managing distress, soothing the body into sleep, and regulating the interplay of facial expressions and responses that become the foundations for emotional stability and interpersonal skills. The developmental task for infants and toddlers is to build a system of attachment to their primary caregivers that organizes how they will manage themselves by utilizing their interactions with each parent.

Divorce and separation can disrupt the systems that small children have built and are relying upon. This can be disorganizing for children and cause setback in their developmental progress. Our task as family court practitioners is to preserve the systems that small children have built. For children whose self-regulation system has developed in the context of shared care by both parents, a parenting plan should include frequent and abundant contact with both

parents and prevent lengthy separations from either parent. For those children who have developed within a context of care by a single, primary parent, then the focus should be on minimizing lengthy separations from that caregiver. Once children are three or four years old, they can become less reliant on these internal co-regulation systems and more flexibly manage life in two homes.

### **3. The impact of exposure to violence and trauma is likely to be worse for infants than for older children**

Counter-intuitive to most people's thinking, the baby in the crib may be more severely damaged than the 4-year-old, or 10-year-old in the family. Yes, the older children hear and see what is going on, may be put into a protective role (e.g., calling the police, yelling at the abusive parent to stop, etc.) and may express fears, confusion, or sadness. And yes, the infant doesn't "know" what is going on and doesn't realize that violence or trauma is occurring. However, the infant's brain is affected significantly by all of the noise, negatively-charged emotions. The brain remembers what the brain experiences, and the impact on the developing brain is **huge**. Additionally, the older child can use words to help mediate the emotional response, whereas the infant cannot. When parents say that their infant wasn't harmed because the infant doesn't know what happened, judges can explain the opposite.

For a detailed and compelling explanation of these issues, watch the video, "First Impressions - Exposure to Violence and a Child's Developing Brain", available on [www.youtube](http://www.youtube.com).

### **4. Child Development is always relevant in family law decisions and knowledge about child development can help judges be better able to estimate a child's maturity level and in soliciting the custodial wishes of the child**

Most state family law statutes do not specifically require consideration of child development factors in judicial decision-making concerning custody, relocation, parenting time, and child support. Instead, judges are directed to consider the best interest of the child, the child's needs, or the child's emotional and psychological wellbeing. It is hard to imagine how a judge can make decisions about best interest, needs, or wellbeing without knowing what is developmentally appropriate for the child. A parenting plan that would be perfect for a ten-year-old will likely be a disaster for a two-year-old, due to the developmental differences between the two children. Judges must recognize the importance of child development when crafting orders that can either enhance or hinder that development. By carefully reviewing statutory mandates for phrases such as best interests or wellbeing, a judge will find the authority to consider and apply child development principles in decisions about custody, parenting time, relocation, and child support.

In general, children are better served by having relationships with both parents, assuming both can support the child's health, safety and welfare. Recognizing that parents may have mastery of different parenting skills, all children need a predictable schedule that supports those relationships and takes into account their developmental and individual needs, and allows both parents to be involved in all important aspects of their lives. Children under age 3 may need more frequent transitions and shorter amounts of time with each parent, whereas children from 3-5 can begin to tolerate even more time away from each parent. School-aged children can benefit

even longer time away from each parent, while preserving those relationships in ways that utilize each parent's healthy parenting styles in optimal ways. Finally, adolescents may want an increasing voice in those parenting plans.

A great resource is "Planning for Parenting Time: Arizona's Guide for Parents Living Apart (2008).

### **5. The Rhythm of Parenting Time is as Important as the Quantity of Parenting Time**

Often in family court, parents, attorneys and other adults focus on the quantity of parenting time allotted to each parent, when what matters most to a child, particularly a younger child, is the qualitative elements of the schedule, particularly the rhythm of transitions between their homes. A child's perception of a schedule that has 10 consecutive days with Parent A followed by 4 consecutive days with Parent B is vastly different from a schedule that has four 2-3 day spans with Parent A interrupted by 1-day contacts with Parent B, although each of these schedules include ten days with Parent A and four with Parent B. Adjustment of this rhythm is the simplest method of adapting the schedule to suit the developmental stage of a young child.

Younger children cannot carry within themselves their sense of comfort and relationship with others, so they need face to face contact with caregivers on a schedule that prevents lengthy separations. Older children and teens have developed this ability to carry the comfort of parental relationships within themselves and they are developmentally able to use the technology of phones and text to supplement their sense of connection. Children of more mature ages need not transition between their homes as frequently because of this developmental advancement.

### **6. Parents with Certain Strengths and Capacities Can More Effectively Share Care**

Jennifer McIntosh and her colleagues in Australia conducted several studies of parental overnights. Much of the discussion following the release of their findings in 2010 focused on the results indicating that multiple overnights with a non-primary parent are disruptive to the long-term development of very young children. Another substantial finding of these studies, which is often overlooked, is that particular capacities in parents allow them to more successfully share care in a manner that supports their children's development. Note that in this discussion, sharing care includes equally shared schedules (50/50) as well as unequal schedules that provide abundant care for both parents.

McIntosh and colleagues identified these capacities as forms of "equipment" that co-parents carry, and outlined them as follows.

Developmental Equipment includes the ability of parents to understand the child's developmental stage and to adapt their parenting plan to their child's capacities and stage. This factor trumps all others in predicting children's success in shared care.

Relationship Equipment includes positive relationships between each parent and the child as well as a cooperative and respectful relationship between the co-parents. It also includes having supportive respectful relationships with both extended families. This factor is more predictive of

children's outcomes than the number of overnights in each parent's care.

Socio-Economic Equipment includes living in geographic proximity and having adequate income and work flexibility to provide comfortable housing and the ability to be present with the child.

Maintenance Equipment includes the ability of the parents to be flexible and responsive to the child's needs, and to have a business-like co-parenting relationship.

We, as professionals, are wise to urge parents to invest their time and energy in developing the equipment outlined above if they prefer to have abundantly shared parenting time.

Professor McIntosh, Professor Marsha Kline Pruett, and Dr. Joan Kelly focusing on risk and protective factors that are critical for very young children, added more information on these issues in two articles on Overnights with Young Children, published in *Family Court Review*, April, 2014, suggesting how decision-makers can use these factors to ensure developmental and relationship success for young children.

#### **7. Be mindful that children's statements may be influenced by both internal and external factors, and thus may not be reliable**

It's easy for judges to understand that parents may try and influence what their children say in family and juvenile court matters. What's more difficult to understand is the myriad of internal and external factors that may also contribute to children's suggestibility. Various external factors that increase the risk of suggestibility in children include, but aren't limited to:

- Question type – Open-ended questions are always preferable over forced choice or yes/no questions.
- Suggestive questions – Questions that imply a particular person caused them harm, such as, "When your daddy ...?"
- Source Monitoring – It's always important to ask children how they know something, i.e., did they see it or did someone tell them about it. Younger children are particularly susceptible to source monitoring problems.
- Repeated questions – Children respect adults and often think that if adults ask the same question several times, their previous answers are incorrect and they change their answer accordingly. Some interviewers then stop asking questions when they get the answer they want to hear, and that reinforces for the child that s/he got it right this time.

Various internal factors that increase the risk of suggestibility include, but aren't limited to:

- Age – Younger children are always more susceptible to being influenced by these external factors
- Emotions – Children might be ashamed, anxious, angry, scared, sad or have other emotions that influence the nature of what they say.
- Loyalty – Children are often influenced by loyalties that they feel toward one or both parents



- Failure to understand – Adults often use language that children, especially children under 5 years old, don't understand and they answer questions incorrectly because of that. Use language that is appropriate to the age of the child.

**8. In domestic violence or abuse cases, when appointing an expert to conduct an evaluation, provide therapy, or serve in some other capacity, be certain that your expert understands the unique and necessary considerations in those cases.**

Many experts are knowledgeable and understand complexities associated with family and juvenile court matters. But not all experts are expert in the particular matter of **your** case. For example, if you are dealing with a family experiencing sexual abuse allegations, domestic violence allegations, or allegations of child alienation (or all 3), be certain that your expert has the appropriate knowledge and skills to use protocols appropriate to the case.

For more information, see the recently completed AFCC Guidelines for Examining Intimate Partner Violence (2016) and the AFCC Model Standards of Practice for Child Custody Evaluation (2006).

**9. What to do when you're not an expert**

Judges bring to the bench and to their decisions who they are and what they've experienced. Few judges are experts in neuroscience, child development, family systems, family violence, substance abuse, or behavioral health. The best judges learn as much as possible about those topics so that they can ask the questions that will lead to the evidence they need to make good decisions. It is the lucky judge who can rely on the testimony of a professional about a particular child and family. More often, judges learn from the parents, the child or non-professional witnesses such as family members and friends. That is why it is critical that judges have a basic understanding of child development (and of the other topics noted above). If there is no expert available, the judge must advise the lawyers and/or litigants about what she will use to make her decision. If she has heard a speaker, read an article or attended a training, and plans to rely on what she learned to make her decision, she should provide that same information to the lawyers and/or litigants so that they are able to respond.

**10. Judges need to understand that trauma (e.g, from drug abuse, substance abuse, high-conflict divorce, neglect and abuse) can derail a child's development.**

Trauma comes in many forms, but significantly increases the risk that a child's development will become derailed. Symptoms can take on many forms. Some are internalized symptoms, including but not limited to failure to thrive, depression, fears, anxiety, lack of self-confidence, lack of initiative, lack of self-esteem, or academic difficulties. Others are externalizing, including but not limited to bullying, temper outbursts, failure to respond to authority, or ADHD symptoms. These children often have somatic symptoms, as well, including but not limited to sleep problems, regressions in toileting, speech and language, facial tics, or simply holding the tension in their bodies.

With the limited time you have with the family, screening for these symptoms is important.

Independent child lawyers and parents should be queried about any symptoms that the child is experiencing that are related to the experienced traumas so that remedies and interventions can be part of the overall court-ordered plans. Interventions can include, but aren't limited to, play therapy, yoga, group therapy, and perhaps medication. As described in #9 above, although judges aren't the experts and you may not have experts to help in a given case, your experience and training will help guide you in recognizing the symptoms, the traumas associated with those symptoms, and provide direction for appropriate interventions.

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## Virtual Poster Gallery

Posters representing current research, practice and policy were displayed at the AFCC 53rd Annual Conference in Seattle. Click the links below to view PDF versions of the posters displayed.

### [Adjustment of Children in Joint Physical Custody and Associated Variables: A Systematic Review](#)

Amandine Baude, PhD, and Sylvie Drapeau, PhD, Laval University, Québec, Canada

### [A Survey of Quebec Child Protection Workers' Experiences of Working with High Conflict Families](#)

Elisabeth Godbout, PhD, and Michael Saini, PhD, University of Toronto, Toronto, Ontario, Canada

### [Enhancing Child-Centricity in Divorce: The Singapore Story](#)

Chong Cheh Hoon

### [Safety and Wellbeing from the Perspectives of Youth: Experiences of Using Supervised Access and Exchange Services following Separation and Divorce](#)

Sevil Deljavan, MSc., Michael Saini, PhD, Factor-Inwentash Faculty of Social Work, University of Toronto

### [The Intersection of Child Custody Disputes and Children's Exposure to Intimate Partner Violence](#)

Sevil Deljavan, MSc., Michael Saini, PhD, Barbara Fallon, PhD, and Tara Black, PhD, Factor-Inwentash Faculty of Social Work, University of Toronto



# Introducing AFCC Webinars



**August 9, 2016**

**Intimate Partner Violence and  
Child Custody Evaluation:  
The AFCC Guidelines**

Robin M. Deutsch, PhD, ABPP, Director,  
Center of Excellence for Children, Families and  
the Law at William James College

**October 12, 2016**

**Emerging Issues in Relocation Cases**

Philip M. Stahl, PhD, ABPP (Forensic)

**December 14, 2016**

**Challenging Issues in  
Parenting Coordination**

Debra K. Carter, PhD, Co-Founder,  
National Cooperative Parenting Center

**February 7, 2017**

**What Family Law Professionals  
Need to Know About  
Self-Represented Litigants**

John Greacen, JD, Project Consultant,  
and Katherine Altenecker, JD, Coordinator,  
Self-Represented Litigation Network

**April 12, 2017**

**Children Who Resist Parental Contact**

Matthew J. Sullivan, PhD

**June 20, 2017**

**Working with LGBTQ Clients in the Age  
of Same-Sex Marriage: Legal and Ethical  
Concerns**

Allan Barsky, JD, PhD, Professor of Social Work,  
Florida Atlantic University

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