



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

President's Message

Marsha Kline Pruett, PhD, ABPP

When I began my year as AFCC President last July, I wanted to have clear goals that would enable me to contribute to AFCC in a meaningful way. Since we are already a well-functioning organization with a strong Executive Director and Board, the president must work at being more than a welcoming figurehead at conferences to the larger membership. There are many opportunities to act as a sounding board and provide input into complex or difficult decisions that inevitably arise in any organization, let alone one focused on conflict reduction at individual family, state, and national policy levels. [Read more.](#)

AFCC 54th Annual Conference

Turning the Kaleidoscope of Family Conflict into a Prism of Harmony

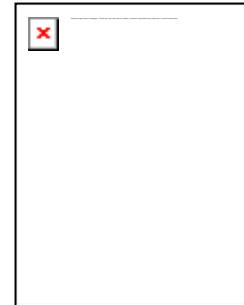
May 31-June 3, 2017
Sheraton Boston Hotel

Early Registration is Now Open

Registration for the Annual Conference is now open online.

MONTHLY E-
NEWSLETTER
VOL. 12 NO. 1
January 2017

Upcoming AFCC Conferences



[AFCC 54th Annual Conference](#)

Turning the Kaleidoscope
of Family Conflict into a
Prism of Harmony
May 31-June 3, 2017
Sheraton Boston Hotel
Boston, Massachusetts

Diamond Sponsor
OurFamilyWizard.com

Mark your calendars and register **before March 6** to get the best possible registration rate. After March 6, the early bird rate will no longer be offered, so take advantage of the savings today!

[View the conference brochure](#)

[Register now](#)

Conference Scholarships

The scholarship application is now open and can be found [here](#). Conference scholarships include a pre-conference institute registration, a full conference registration, and a certificate of attendance. In addition, a limited number of travel stipends are available to those applicants with high travel costs, international applicants, and those who demonstrate a financial need. The deadline to apply for a scholarship is **March 1, 2017**. Recipients will be notified mid-to-late March.

Thank You to our Conference Sponsors

A special thank you to our **Diamond Sponsor**:

[OurFamilyWizard](#); our **Platinum Sponsors**: [Esdaile, Barrett, Jacobs & Mone](#), [Stable Paths](#), and [AppClose](#); our **Gold Sponsors**: [OnlineParentingPrograms.com](#), [Center for Divorce Education](#), [Transitioning Families](#), and the [Suzie S Thorn Family Foundation](#); and our **Silver Sponsors**: [William James College](#), [Boston Law Collaborative](#), [Tony Pelusi & Associates](#), [Lee & Rivers, LLP](#) and [Verrill Dana, LLP](#).

To see a full list of all conference sponsors, [click here](#).

Exhibit and Advertising Opportunities Available

Exhibiting and advertising at the Annual Conference are great ways to share your products and services with an interdisciplinary community of dedicated family law professionals. Exhibit space is limited and beginning to fill up—ensure your space by committing today. For more information, [click here](#) or [contact Corinne Bennett](#).

Q & A with AFCC Plenary Speakers, Colin Rule and Nancy Welsh

AFCC interviewed Colin Rule and Nancy Welsh, who will



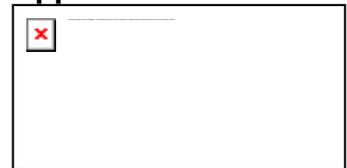
Platinum Sponsors Esdaile, Barrett, Jacobs & Mone



Stable Paths



AppClose



AFCC Chapter Conferences

[Arizona Chapter Annual Conference](#)

*A Mosaic of the Modern
Family: New Theories,
New Evidence, New
Strategies*

January 27-29, 2017
Sedona, Arizona

[Louisiana Chapter Annual Conference](#)

*Time, Money and Power:
Disputes in High-Conflict
Families*

January 27-28, 2017
Baton Rouge, Louisiana

[California Chapter Annual Conference](#)

*Custody Complexities:
Hard Decisions*

February 10-12, 2017
Costa Mesa, California

[Wisconsin Chapter Annual Conference](#)

present the opening session on Online Dispute Resolution (ODR) at the AFCC 54th Annual Conference in Boston, Massachusetts. Colin is an ODR pioneer. He is Co-Founder and Chief Operating Officer of Modria.com and served for eight years as Director of ODR for eBay/PayPal. He is author of the book *Online Dispute Resolution for Businesses*, and a Fellow at the Gould Center for Conflict Resolution at Stanford Law School. Nancy is Professor of Law and William Trickett Faculty Scholar at Penn State University Dickinson School of Law and Chair of the ABA Section of Dispute Resolution. She is a prolific scholar who focuses on the fairness of legal and dispute resolution procedures and whether they are serving the people who rely on them. She is also co-author of a leading dispute resolution textbook, *Dispute Resolution and Lawyers, 5th ED.* [Read more.](#)

Ask the Experts: Parallel Parenting

Mindy F. Mitnick, EdM, MA

For professionals working with separated parents, helping them meet the challenges of parenting apart is an important part of their practice. Parenting apart may represent a continuation of what worked well when the parents were together. A substantial number of parents experience significant difficulties making this transition, even when it involves a continuation of responsibilities established prior to the separation. Responsibilities, roles, rules, and communication methods may all need to be re-established based on the family's new circumstances or in situations where parents have never lived together, these may need to be established. [Read more.](#)

AFCC March Trainings in Chicago

Save the date for these exciting training programs:

Parenting Coordination: Practice Foundations

Matthew J. Sullivan, PhD

March 6-7, 2017

Loyola University Chicago, Philip H. Corboy Law Center

Overnights for Young Children
March 1, 2017
Milwaukee, Wisconsin

[Alberta Chapter Annual Conference](#)

The New Millennial Family: Navigating Best Practice in a Changing World
March 16-17, 2017
Calgary, Alberta

[Washington Chapter Annual Conference](#)

Parents Come in All Sizes and Forms
March 25, 2017
Seattle, Washington

AFCC Webinar Series

What Family Law Professionals Need to Know About Self-Represented Litigants
John Greacen, JD and Katherine Alteneider, JD
February 8, 2017 1:00pm Eastern

Visitation Resistance
Matthew J. Sullivan, PhD
April 12, 2017 1:00pm Eastern

LGBTQ Clients and Family Law in a Post-Obergefell Era

Allan Barsky, JD, MSW, PhD

June 20, 2017 1:00pm Eastern

AFCC Trainings

Parenting Coordination: Practice Foundations

Chicago, Illinois

The Model Standards and Beyond: Custody Evaluations and Risk Management

David A. Martindale, PhD, ABPP

March 8-9, 2017

Loyola University Chicago, Philip H. Corboy Law Center
Chicago, Illinois

Earn up to 24 hours of continuing education by attending!

[View the conference brochure, hotel information, and continuing education information](#)
[Register online](#)

Chapter News

[Meet Beth Huebener](#), President of the **Wisconsin Chapter**

[Meet Jill Sanders](#), President of the **Florida Chapter**

[Meet Melanie Reichert](#), President of the **Indiana Chapter**

Welcome Leslie Barrows, President of the **Texas Chapter**

Cases Without Counsel: Research on Experiences of Self-Representation in U.S. Family Court

The Institute for the Advancement of the American Legal System undertook a qualitative empirical research study designed to explore the issue of self-representation from the litigants' perspective. The Cases Without Counsel project gathered detailed narratives directly from family court self-represented litigants and those who engage with litigants in the court through one-on-one interviews. The recommendations based on their research (detailed in the companion recommendations report) include materials and resources for those interested in learning more or implementing change in their jurisdiction. [Read more.](#)

Give to the AFCC Scholarship Fund

Each year, through the generous support of donors, we are able to afford individuals the opportunity to gain access to emerging research, networking opportunities, and continuing

Matthew J. Sullivan, PhD

March 6-7, 2017

Loyola University Chicago,
Philip H. Corboy Law
Center

Chicago, Illinois

The Model Standards and Beyond: Custody Evaluations and Risk Management

David A. Martindale, PhD, ABPP

March 8-9, 2017

Loyola University Chicago,
Philip H. Corboy Law
Center

Chicago, Illinois

Are you an AFCC member? [Join](#) or [Renew](#)

The opinions expressed in articles published or linked to in the *AFCC eNEWS* are those of the authors and do not necessarily reflect the positions of the Association of Family and Conciliation Courts.

Editor:

Leslye Hunter

lhunter@afccnet.org

Associate Editor:

Corinne Bennett

 Find us on
Facebook

 Follow @AFCCTweets

education by experiencing an AFCC conference! Help your colleagues attend an AFCC conference by giving to the scholarship fund, every gift makes a difference.

[Donate online today.](#)

[Thank you to those who have donated already!](#)

Honor an AFCC Colleague with an Award

AFCC awards acknowledge the many important contributions made by individuals and organizations to enhance the lives of children and families involved in family courts. Nominate a colleague for an award to recognize the important contributions they have made. Awards will be presented on the evening of Wednesday, May 31 at the AFCC Annual Conference in Boston. AFCC is accepting nominations online through March 15, 2017. [Submit a nomination online, see past recipients, learn more about the awards and criteria.](#)

AFCC Webinar Series

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

John Greacen, JD and Katherine Alteneider, JD
February 8, 2017, 1:00pm-2:00pm Eastern Time

Note: This webinar has not been approved for continuing education for psychologists.

Register now! **AFCC Members register at \$10, non-members \$40.** Certificates of Attendance are available for purchase at the time of registration. All webinars are archived as a member benefit. [Click here](#) to watch archived webinars free of charge.

For the complete listing of upcoming webinars, [click here](#).

Conference of Interest

Academy of Professional Family Mediators Conference: Professional Family Mediation from A to Z. The APFM will have its annual conference in Memphis, TN on March 30 – April 2, 2017. Early bird registration rates end February 1. [More information.](#)



[Unsubscribe](#)

AFCC | 6525 Grand Teton Plaza
| Madison, WI | 53719 | 608-
664-3750 | afcc@afccnet.org |
www.afccnet.org



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

VOL. 11 NO. 10
OCTOBER 2016



President's Message

*Marsha Kline Pruett, PhD, ABPP
Northampton, Massachusetts*

When I began my year as AFCC President last July, I wanted to have clear goals that would enable me to contribute to AFCC in a meaningful way. Since we are already a well-functioning organization with a strong Executive Director and Board, the president must work at being more than a welcoming figurehead at conferences to the membership. There are many opportunities to act as a sounding board and provide input into complex or difficult decisions that inevitably arise in any organization, let alone one focused on conflict reduction at individual family, state, and national policy levels. But these moments don't really bring the president into direct contact with the general membership, and if we learned anything in this past American national election, it is that presidential candidates may only think they know what most people are thinking, needing, afraid of, and desiring in terms of change. So as one of my presidential goals, I decided to talk with members across the organization.

Pondering how best to accomplish that goal, I made an offer at a spontaneous moment to every AFCC Chapter: sign up at least ten new members and I would speak for half a day at the chapter conference. I realize that recruiting ten new members may not be much of a stretch for many chapters, so I was really just offering to come spend time with the chapter. In addition, I offered to any chapter that responded that if they could not sign up ten members, they could take money they would have paid me as a plenary speaker and give out free memberships. So the outcome would be the same in any event: I would visit with the chapter members, participate in the conference, and the chapter would have an increase in membership – small or large, depending on how resourceful or motivated they are.

I wanted to create an incentive to enlarge our membership base at a time when most organizations are not growing at previous rates in these somewhat more unstable economic and political times. Simultaneously, I would have the chance to see how each

chapter looks, what they care about, and how they feel about AFCC. Before or after my talks at conferences, I have scheduled cocktail hours, dinner or lunch as additional ways to spend time with the chapter leaders and their membership. It turns out this was a popular scheme. More than a dozen chapters responded, and I only had to turn away a few that I just could not fit into my schedule. I am excited about traveling throughout North America to meet and hear from many of our new (we already have more than 70!) and loyal members.

One aspect of this mission that I am looking most forward to is learning about the culture of each chapter with which I spend time. In the planning stage, I already have found myself talking at length with many chapter representatives about what they want and need, so that we can tailor my talk to their local culture. The result is a diversity of formats, including plenary speeches, panel presentations, case discussions, and combined programs with local or national experts. As each presentation gets honed, I am learning a great deal about each chapter and “where they are at” in their thinking, training, and relationship with membership.

I just returned from my first visit with the AFCC New York Chapter. The questions were sophisticated, the audience was mixed between those pushing for reform and those who still follow research and tenets from years ago. The hospitality was warm, as always. The three-hour presentation was my first official act since having a knee replacement four weeks earlier, and my recovery has not been as smooth as I hoped. Rabbi Hillel once said you don't really know how to teach the Torah until you can teach it on one foot. I never understood that parable, until I spent the last hour and a half of that talk standing on one foot behind the podium. Perhaps I will start a new presidential trend and stand on one foot for my next presentation...it does make you think about your teaching in a new and different way. By the time I had lunch with the group, and shared some humor, I felt “mission accomplished”: chapter members did use the time to network with me, ask for assistance or consultation, express a concern, and, of course, share a family anecdote.

This was the early part of my chapter spree. I am looking forward to heading to Louisiana in a couple of weeks, followed by Oregon, Ohio, Washington, California, Colorado, Wisconsin, Minnesota, Alberta, and Ontario. For those members whom I will see in person during the visits, I feel honored to be able to share a little bit of the knowledge I've accumulated over the years, while “getting to know you, getting to know all about you” (I always use a musical reference if given a chance; that was The King and I). I hope that you will come speak to me when I am in your town, and let me know everything you can about how AFCC is doing, what we do well, and what we could do better.

If your chapter is not one that I am visiting, please don't hesitate to email me; I do want to hear from you. AFCC's greatest strength is not just the cutting edge work we do, but the incredible web of relationships we build at AFCC. For me, this initiative is about

walking the talk, working on our relationships so that we can better work together to strengthen the relationships among parents and families.



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

VOL. 12 NO. 1
JANUARY 2017

Q & A with AFCC Plenary Speakers Colin Rule and Nancy Welsh



AFCC interviewed Colin Rule and Nancy Welsh, who will present the opening session on Online Dispute Resolution (ODR) at the AFCC 54th Annual Conference in Boston, Massachusetts. Colin is an ODR pioneer. He is Co-Founder and Chief Operating Officer of Modria.com and served for eight years as Director of ODR for eBay/PayPal. He is author of the book *Online Dispute Resolution for Businesses*, and a Fellow at the Gould Center for Conflict Resolution at Stanford Law School. Nancy is Professor of Law and William Trickett Faculty Scholar at Penn State University Dickinson School of Law and Chair of the ABA Section of Dispute Resolution. She is a prolific scholar who focuses on the fairness of legal and dispute resolution procedures and whether they are serving the people who rely on them. She is also co-author of a leading dispute resolution textbook, *DISPUTE RESOLUTION AND LAWYERS*, 5TH ED.

AFCC: How did you become interested in mediation and dispute resolution?

Nancy Welsh (NW): I took a class named “Alternatives to Litigation,” taught by Prof. Frank Sander when I was a student at Harvard Law School. Professor Sander was one of the early and most influential leaders in dispute resolution. This was in 1980 or 1981, I believe, and thus pretty early in the development of the current dispute resolution field. We didn’t even have a text book. Instead, I recall that we used page proofs from a book that was being written at the time. I also received mediation training at Harvard, as a non-credit student service activity, and I mediated small claims matters at the court in Quincy, Massachusetts.

Colin Rule (CR): I also mediated in Quincy small claims court, although it was in the late 1990s when I was doing graduate work in dispute resolution. I took my first mediation training as an undergrad at Haverford College, a small Quaker-affiliated institution outside of Philadelphia. The training was provided through the Friends Suburban Project and I loved it. Subsequently, I wrote

my thesis on collegiate mediation programs and got a job as an Information Services Specialist at the National Institute for Dispute Resolution (NIDR) in Washington, DC.

AFCC: How did you develop your specialized interests after you finished school?

NW: Coming out of law school, I practiced at a corporate litigation firm in Minnesota. Importantly, it was a firm with a history of commitment to social justice. I wasn't formally practicing mediation or dispute resolution, but I settled most of my cases. I recall one case in which I represented a third party defendant and ended up playing the role of quasi-mediator. Opposing counsel told me that if I was not already a mediator, I should be. I was always interested in public service, though, so I left private practice to become the Director of Mediation Services for Mediation Center, a nonprofit that served as a catalyst for the development of dispute resolution throughout Minnesota. We provided mediation, facilitation, arbitration, and ombuds services, offered training, and did a lot of public policy work, including facilitating and encouraging the institutionalization of dispute resolution in Minnesota's courts and agencies. Three years later, I became Executive Director and stayed for another nine years. During that time, I also chaired the Minnesota State Bar Association's ADR Committee and began to get involved with the ABA Section of Dispute Resolution.

Mediation Center made a lot of inroads: working with the Minnesota Supreme Court to adopt a rule that required lawyers to advise clients and the court about the potential use of dispute resolution, training thousands of lawyers and judges, and focusing on court-connected and agency-connected dispute resolution. During this time, for example, we provided family mediation, non-family civil court-connected mediation, individual arbitrations as part of the settlement of a class action, and ombuds services for a public agency.

So I remember sitting back and thinking, "We are creating a wave, and we have made change happen." Then a year or so later, my colleague Bobbi McAdoo shared with me the data from research she had conducted for the Minnesota Supreme Court. That data revealed that most lawyers wanted mediators to play the role that judges did in settlement conferences – providing feedback and evaluations of the strengths and weaknesses of cases to help the parties be more realistic. I was crushed. I had become excited about mediation due to its focus on party self-determination, empowering people to communicate effectively, explore their underlying interests (along with the legal issues), and tailor responsive solutions.

Although I had been an adjunct professor at one of Hamline University School of Law, I wanted to be more engaged in educating soon-to-be lawyers about dispute resolution's potential. I had also been writing about dispute resolution already, but now I needed to explore whether I deserved to be disappointed with mediation's evolution as it was institutionalized in the courts. Specifically, I wanted to explore whether the foundational ideal of self-determination in mediation could work in concert with court systems. Then, out of the blue, I was nominated to attend the Salzburg Seminar in Austria. There, I interacted with legal academics and professionals from around the world and with luminaries like Justice Stephen Breyer and Zoe Baird, all comparing how our countries' judicial systems operate. That experience, including the exchange of different ideas and perspectives, was exhilarating and helped convince me to try to

make the move to the legal academy. Ultimately, I joined the faculty of Penn State University, Dickinson School of Law in 1998.

CR: After college I was focused on dispute resolution in higher education, but through my work at NIDR I saw many areas of ADR practice. I noticed that the NIDR leadership were all lawyers, so I asked one of them (a mentor of mine, Tom Fee) if I should go to law school. He responded that for his generation that was necessary, but for newer entrants into ADR like me, it wasn't a requirement. So I joined the Peace Corps (which I found out was more about development than peacemaking), and spent two years as an English teacher in Eritrea, the Horn of Africa. I came back and got a Master of Public Policy degree from the Kennedy School of Government at Harvard during the day, and a Graduate Certificate in Dispute Resolution from University of Massachusetts-Boston at night. I was interested in technology, and got a job as General Manager of Mediate.com, where I spent a year and half building websites for mediators. Online Dispute Resolution was just starting to take off during that period, so I spun a company out of Mediate.com called Online Resolution, which was one of the first ODR providers. A year or so later I wrote a book, *Online Dispute Resolution for Business*, and taught an ODR class at UMass-Amherst.

Online Resolution built websites for mediators to use online. We had resolution rooms, where people could login and share documents, sort of a primitive version of what we have today. Then, sometime in about 2002-2003 I was sitting in my office and got a call from eBay. They offered me a job as director of ODR and I went from managing a system that processed about 5,000 disputes to one that managed more than sixty million annually. After eight years at eBay I went out on my own and started Modria.com in 2011.

AFCC: You have more than sixty years of combined experience in the dispute resolution field. Can you describe what has facilitated the growth of the field over the years, and also what has held it back?

CR: I'll start with what has held it back, and that is the discussion around certification for mediators, which has been going on the entire time I've been in the field. There is this notion that as a profession we need to develop criteria to decide who is in and who is out. After much consideration, I don't believe that certification is possible in the kind of work we do. When I started in ADR I felt we were a profession, but I have changed my tune on that over time. Conflict resolution is a skill, one that gets better with practice, but one that every human utilizes in various ways throughout their lives. Instead of setting up walls, I believe that we in the ADR community should encourage innovation by letting a thousand flowers bloom, promoting the lessons we have learned and working to help our society have a healthier understanding of conflict.

NW: As far as facilitating growth, I think third parties and repeat players have been central. They have embraced dispute resolution because they have decided that it's in their interest to do so. For example, the use of dispute resolution became more widespread when courts and judges began encouraging or requiring parties to participate. Companies have put arbitration on the map due to their inclusion of the process in contracts. As Colin knows better than I do, eBay

and PayPal have made ODR commonplace because they found that providing efficient, effective, fair resolution made online marketplaces more attractive to consumers.

In terms of what holds the field back, I agree with Colin regarding the importance of focusing more on skills, but I am going to express it a little differently. People in our field frequently challenge the sufficiency of pre-existing actors – e.g., judges, lawyers or managers. We seem to somehow be saying, “You are not doing this well enough” with the implication that they need to be replaced with someone new—us! In certain cases, that is exactly right. In other cases, though, we may need to focus more on motivating and assisting current actors to expand their skill sets. We should be ready to share our knowledge and skills.

Meanwhile, we need to be clear that certain approaches or techniques should not be exercised by current actors. A judge, for example, generally should not caucus with parties and then go on to preside at their trial. A company should not deprive consumers of certain rights by unilaterally imposing a non-public, binding dispute resolution process upon them. We need to be clear about when and how to protect the integrity of dispute resolution processes in order to foster our field’s growth.

CR: What has been most exciting for me from a growth perspective has been cultural change. I remember the first time I saw NBC news anchor Brian Williams say “win-win” on television. I thought, “Wow, something is going on here.” I also think the ADR field holds an advantage because it was initially defined by what it is not – the court. ADR has always been seen as an alternative to the default. Now, the law is being disrupted and the legal model does not work for many of the new disputes that are cropping up, especially those that arise online. Now that people are actively looking for alternatives, ADR is perfectly positioned. We need to respond to this development by embracing the full diversity of ADR practice, and ensure that we don’t limit ourselves to one or two approaches (such as mediation).

NW: I agree. If people interpret ADR to mean mediation only, or are wedded to some other particular process, that narrow view will hold the field back. We should be wedded to the values of our field—fairness, informed consent, self-determination—rather than particular forms.

AFCC: You are the opening session together on ODR at the AFCC 54th Annual Conference in Boston this spring. Can you talk a bit about the pros and cons of ODR as it makes its way into our world?

NW: ODR is here, and I am excited about it. I have to admit that I don’t understand all of it, and I find some of it scary. I really respect Colin’s breadth of knowledge in this area and his commitment to implementing ODR in a way that serves people. He is committed to procedural safeguards. I worry that some people will be overly optimistic that ODR will simply and inevitably be good – as many of us imagined would be true for mediation. Realistically, though, any tool can be used for good, or for ill. I want ODR’s DNA to include procedural safeguards and codes of ethics that make it more likely that these processes will be used for good.

CR: I couldn’t agree more. The first article I ever wrote for an ADR journal was about listening to our critics. We have to see both the advantages and disadvantages of technology with a clear

eye. As ODR expands there are going to be hundreds of providers all around the world. Some will do a great job and will pay close attention to ethical standards, and others may build online kangaroo courts that take advantage of people. We need to learn our lessons from decades of face-to-face ADR practice and build standards into the ODR systems to encourage self-governance and mitigate the risks. I believe that ODR is the future of ADR. Every profession is being changed by technology and we have a huge opportunity to expand the reach of our work if we can embrace that change and leverage it.

What advice would 2017 Nancy and Colin give 1995 Nancy and Colin?

NW: I would say to 1995 Nancy that she should identify the values she most cares about and stay true to them—and she should be realistic about both the value and weaknesses of dispute resolution processes. I would tell her to learn from what's come before and push for procedural safeguards and some form of transparency regarding outcomes.

Mediation appealed to me because it had the potential to provide people with a new language and path to come to important understandings, be creative together, and solve difficult problems. But not everyone can or wants to take this new path, for a whole variety of reasons. Nonetheless, I want to be sure that every individual is aware of the processes available to them, has a real opportunity to use them, and has good reason to believe they will be fair. That's why I care and write about procedural fairness—especially for regular people, and one-shot players. They deserve to speak and be heard in an even-handed and dignified setting when important decisions are being made. In fact, I believe that a procedurally just process helps create the space for self-determination.

CR: I would tell myself that you can work in the private sector and still do great and meaningful conflict resolution work. When I started in ADR most of the innovation had come from nonprofits, public agencies, or academia, and I sensed a suspicion amongst the leadership around ADR initiatives with profit motives. But over the years I've watched great ADR organizations struggle to achieve their missions with constrained resources, and sometimes shut down because they couldn't fund their work on an ongoing basis. We can't be dependent on a single foundation or agency budget to keep moving forward. There's no shame in building our services so that they can grow and self-fund from customer demand. In fact, I think that the only way the ADR field will be able to sustain and expand its reach is to win in the marketplace. I wish I had been taught that lesson earlier.



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

VOL. 12 NO. 1
JANUARY 2017

Ask the Experts: Parallel Parenting: Helping Parents Reduce Conflict

Mindy Mitnick, EdM, MA

For professionals working with separated parents, helping them meet the challenges of parenting apart is an important part of their practice. Parenting apart may represent a continuation of what worked well when the parents were together. A substantial number of parents experience significant difficulties making this transition, even when it involves a continuation of responsibilities established prior to the separation. Responsibilities, roles, rules, and communication methods may all need to be re-established based on the family's new circumstances or in situations where parents have never lived together, these may need to be established.

In cases where moderate to high levels of conflict affect parents' willingness and ability to work together effectively, a parallel parenting model may provide the structure to allow parents to work complementary yet in an independent fashion to meet their children's needs. Parallel parenting requires recognition of the other parent's role in the child's life, a parenting time schedule, allocation of childcare duties and responsibilities, and communication method(s) about essential information.

Benefits of using a parallel parenting approach include: decreased stress and tension for parents and children, often described as less time spent "walking on eggshells," decreased exposure to and involvement in their parents' conflict for children, autonomy in parenting, and predictability in everyone's schedule. Parallel parenting recognizes that there is a variety of acceptable ways parents meet children's needs.

For professionals assisting in establishing the parallel parenting approach, a clear and detailed parenting plan that specifies the parenting time schedule for the school year, school release days, the summer, holidays and special occasions, and vacations is essential. The parenting plan should also identify areas of joint decision-making, typically the major considerations of education, health care, and religious upbringing. Parallel parenting does not generally incorporate flexibility for alterations to the schedule, such as for family events that may occur while the child is with the other

parent, as this minimizes the need for cooperative decision-making. Similarly, day-to-day decisions about screen time, when homework is done, or whether a child needs a haircut are left up to each parent.

Parental disengagement is one foundation of parallel parenting and has both advantages and disadvantages.¹ It shifts the parents' focus from attempting to convince each other who is "right" or whose parenting style is "better" to what happens when the child is in each of their respective care. As a result, this also minimizes the need for parents to coordinate the many details of the child's life between homes.

Disengagement results in decreased communication and, with that, diminished stress that parents feel from what may seem like otherwise endless requests for information, schedule adjustments, and demands. Parents can support their child's adjustment by explaining that having two homes means having two sets of rules and by refraining from expressing negative judgments about the other parent's expectations.

In higher conflict situations, there may be times when children may be unable to participate in or attend events or activities that occur because of their parents' inability to agree or coordinate plans. However, with parallel parenting, children's activities can be scheduled during each parent's respective time, giving children the opportunity to participate in sports, music lessons, and special interest classes. To facilitate children's adjustment, parents can tell them that there may be times when they will miss an event because of the schedule that everyone needs to follow

An important part of establishing effective parallel parenting practices is educating the parents regarding appropriate expectations for their co-parenting relationship. For example, it is unrealistic for parents to assume that the way decisions were made in the past will carry over into post-separation parenting and it is also usually unproductive to lecture the other parent about what "should" be done. It is helpful to manage expectations by establishing protocols regarding the other parent's home, such as whether or not a pet will travel with the child, and how children's clothes, electronics, school supplies, or sports equipment will be handled.

Another goal of parallel parenting is to assist parents in recognizing that reasonable requests may actually feel like demands to the other parent, for example, a parent's request for copies of the child's school photos or when the child's lunch money needs to be replenished. In parallel parenting, each parent takes on these responsibilities separately.

It is expected that parents will make every effort to obtain information on their own, such as directly from school, the pediatrician's office, and those in charge of extracurricular

¹ P. Stahl, (2000) Parenting after Divorce: A guide to resolving conflict and meeting your children's needs. Impact Publishing.

activities. Parents can streamline communication through a shared calendar and an agreed-upon communication tool such as a single e-mail address for child-related matters or an online tool like OurFamilyWizard. Many parents limit their communication to e-mail when the issue is not time-sensitive and texts for urgent matters, such as a child's illness or being late to an exchange.

For dispute resolution, a Parenting Coordinator can be extremely helpful in establishing communication rules, interpreting ambiguities in an existing parenting schedule, and helping parents develop and maintain skills for reducing conflict. A Parenting Coordinator can help some parents establish a framework for effective parenting apart that involves the types of communication that makes coordination between homes possible. In some cases, a Parenting Coordinator's work as the "interface" between parents by making recommendations and/or decisions that resolve disputes.²

To assist parents in adopting a parallel parenting arrangement:

1. Craft a parenting plan that is detailed and forward-looking to anticipate areas of disagreement and address them proactively.
2. Work with parents to identify key issues that require agreement and those that each parent may decide on their own.
3. Help parents develop positive messages for the child about this arrangement so the child becomes comfortable with the "two homes, two sets of rules" approach.
4. Remind parents to limit communication to important issues, to avoid bringing up the past, and to refrain from lecturing the other parent.
5. Suggest the use of a Parenting Coordinator to provide additional support in achieving the parallel parenting structure and to reduce conflict between parents.

Parallel parenting involves both a mind-set and follow-through with action. The notion of "stay in your own lane" reflects a commitment to accepting that, until communication and cooperation go more smoothly, limiting interaction will also limit conflict.

² Sullivan, M. (2008) Coparenting and the Parenting Coordination Process. Journal of Child Custody, 5(1/2), 4-24.



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

VOL. 12 NO. 1
JANUARY 2017

IAALS: Cases Without Counsel: Research on Experiences of Self-Representation in U.S. Family Court

Many litigants navigating state family courts today are without attorney representation—in some courts, these numbers are increasing. Justice system stakeholders have made significant efforts in the last decade to develop self-help information, resources, and programs for those without representation. All too often, however, litigants are left out of conversations on how to improve the process for others like them.

IAALS undertook a qualitative empirical research study designed to explore the issue of self-representation from the litigants' perspective. The [Cases Without Counsel](#) project gathered detailed narratives directly from family court self-represented litigants and those who engage with litigants in the court through one-on-one interviews. The recommendations based on our research (detailed in the [companion Recommendations report](#)) include materials and resources for those interested in learning more or implementing change in their jurisdiction.

The findings in this [Research report](#) focus on major themes revealed through the study. In their own words, self-represented litigants and court professionals discuss the challenges involved in self-representation from their perspectives, including:

- Factors motivating and influencing the decision to self-represent;
- Experiences of navigating the process; and
- Interactions with others, challenges encountered, and the role of emotion in self-representation.

To read the full report, click [here](#).



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

VOL. 12 NO. 1
JANUARY 2017



Meet Beth Huebner, President of the Wisconsin Chapter

Beth's interest in psychology began in England when she had an opportunity to complete a three-year program in psychiatric nursing in a state hospital. She moved to the United States in 1962 "for an adventure" and was so amazed at the educational opportunities this country had to offer that she decided to become a citizen and has lived here since.

Beth completed her doctorate at Northwestern University in Chicago in 1972 and has worked in the field in a variety of roles. She initially practiced in the Chicago area but moved to Wisconsin in 1987 with her husband and children. Her intent was to retire at that time but the rural area to which she moved had a scarcity of psychological resources so she was persuaded to offer her services. Beth eventually built a clinic in her home town and developed a strong team of professionals who continue to meet the needs of the community.

In addition to her private practice, Beth has taught psychology at Northwestern University and University of Wisconsin, Madison. She also developed a nanny school where she trained nannies in effective developmental approaches to children. A primary focus of her work in these latter years has been conducting child custody evaluations. She is proud and honored to be able to serve as President of the AFCC -WI Chapter in 2017.



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

VOL. 12 NO. 1
JANUARY 2017



Meet Jill Sanders, President of the Florida Chapter

Jill D. Sanders, Ph.D. is a clinical psychologist in private practice in Fort Myers, Florida. She completed her undergraduate degree at the University of Colorado at Boulder; a Masters degree in child development at Purdue University, and a Ph.D. in Clinical Psychology at the University of Utah. Licensed in Utah and Florida, she performs court-ordered parenting evaluations and is the 2017 President of the Florida Chapter of the Association of Family and Conciliation Courts (FLAFCC). She served nine years on the Utah Psychology Licensing Board including two terms as board chairperson, and has been a member of numerous legislative and judicial family law committees and task forces. She is a member of the Association of Family Law Professionals of Southwest Florida and the Association of Family and Conciliation Courts (AFCC). She is the new President of the Florida Chapter.



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

VOL. 12 NO. 1
JANUARY 2017



Meet Melanie K. Reichert, President of the Indiana Chapter

Melanie K. Reichert focused her practice on family law since joining the Indiana Bar in 1998. She is an experienced litigator who frequently tries complicated custody matters, jurisdictional issues, child and spousal support, allegations of child abuse or neglect, allegations of domestic violence, and property distribution. Melanie served as a part time judicial officer in Marion County Circuit Court, paternity division from 2001 to 2004. She is the new President of the AFCC Indiana Chapter