



ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS



eNEWS

October 2017

## IN THIS ISSUE

[Ask the Experts](#)

[December Trainings](#)

[Family Law Writing Competition](#)

[AFCC Regional Conference](#)

[AFCC 55th Annual Conference](#)

[Annual Appeal](#)

[AFCC Webinars](#)

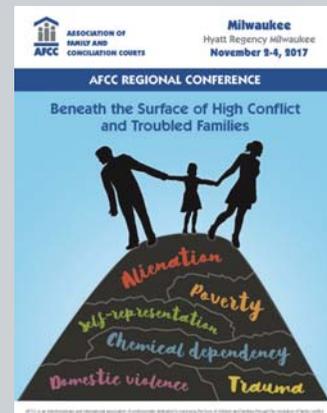
## NEW AFCC Website

The new AFCC website is live! Check out the News & Resources section of the homepage for free AFCC resources and notable resources from others. You may need to change your password if you have not already done so. When logging in, enter your email address and click "[reset password](#)" which will redirect you to reset your password.

[See the new site](#)

MONTHLY  
E-NEWSLETTER

VOL. 12 NO. 10



Save the Date  
[AFCC Regional Conference](#)

Beneath the Surface of  
High Conflict and Troubled  
Families  
November 2-4, 2017

## Dogs and Divorce—Is it Time For a New Approach?

Commentary by Greg Kincaid

When someone mentions the family pet in the middle of their divorce, most lawyers shut down. Although they may not actually say it, I'll tell you what I suspect crosses the average legal mind... *You're kidding me. You're an emotional train wreck, your children are suffering, and your finances are in shambles—and, now, you want to spend your limited time and resources arguing over the dog, too!* Those sentiments are not totally wrong. But, they aren't totally right either. When it comes to dogs, and pets in general, we need to develop a more sophisticated and thoughtful problem solving model. I'd be honored to start the dialogue. To handle pets and divorce with the requisite sensitivity and insight, like most problems we face, we'll need to think about the problem from a variety of different perspectives. Only then, will the entire picture come into focus.

[Read more](#)

## December Training Programs

Registration is now open for the December training programs sponsored by AFCC and the University of Baltimore School of Law. Each training is eligible for up to 12 hours of continuing education.

### Parenting Coordination: Essential Tools for Conflict Resolution

*Debra K. Carter, PhD*

December 4-5, 2017

University of Baltimore School of Law

Baltimore, Maryland

[Register now!](#)

### Advanced Topics for Custody Evaluators: Interviewing, Report Writing, and Testifying

*David A. Martindale, PhD, ABPP*

December 6-7, 2017

Hyatt Regency Milwaukee  
Milwaukee, Wisconsin

### [AFCC Annual Conference](#)

Compassionate Family  
Court Systems: The Role  
of Trauma-Informed  
Jurisprudence  
June 6-9, 2018  
Washington Hilton  
Washington, DC

### [AFCC Chapter Conferences](#)

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

October 19-20, 2017  
Toronto Reference  
Library  
Toronto, Ontario

#### [New York Chapter Co-Sponsored Conference](#)

November 10, 2017  
Hofstra Law School  
Hempstead, New York

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

November 17, 2017  
Chicago, Illinois

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

January 26-28, 2018  
Hilton Sedona Resort  
Sedona, Arizona

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

February 2-4, 2018  
Park Central Hotel  
San Francisco, California

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

April 13, 2018

University of Baltimore School of Law  
Baltimore, Maryland  
[Register now!](#)

[More Information](#)

## Family Court Review: Family Law Writing Competition

Hofstra Law and AFCC are sponsoring the eighth annual Family Law Writing Competition. The competition is run in cooperation with the editorial staff of the Family Court Review. We strongly encourage law students to participate in this competition and hope family law professors urge their students to submit articles. If you have questions, please contact the [Managing Editor](#) of the Family Court Review.

[More Information](#)

## AFCC Regional Conference

**Register today for the AFCC Regional Conference, *Beneath the Surface of High Conflict and Troubled Families*, November 2-4, 2017, at the Hyatt Regency Milwaukee, in Milwaukee, Wisconsin. The [program brochure](#) is available, with over 40 sessions and up to 16.5 hours of continuing education.**

### Advertising and Exhibit Opportunities

To view exhibit and advertising opportunities, [click here](#). For all questions, please contact AFCC Program Coordinator, [Corinne Bennett](#).

### AFCC E2M (Early to Mid-Career Professionals) Programming

The E2M network is designed to support the unique needs of early to mid-career professionals and is comprised of AFCC members who have begun their practice within the last ten years. Join us in the activities we have planned for the conference:

- November 2, 12:00-1:30pm  
Sit at a reserved table for E2Ms at the conference luncheon
- November 3, 7:00pm  
Join fellow E2Ms for a dine around in Milwaukee. Sign up on site.

[Register Today](#)

River's Edge Hotel  
Portland, Oregon

#### EDITOR:

Leslye Hunter  
[lhunter@afccnet.org](mailto:lhunter@afccnet.org)

#### ASSOCIATE EDITOR:

Corinne Bennett  
[cbennett@afccnet.org](mailto:cbennett@afccnet.org)



[afccnet.org](http://afccnet.org)

## AFCC 55th Annual Conference - Washington, DC Here We Come!

Exhibiting and advertising at the AFCC Annual Conference are excellent ways to share your products and services with an interdisciplinary community of family law professionals. Commit by December 5, 2017 to ensure your exhibit or ad space is included in the program brochures, mailed out to over 21,000 family law professionals around the world! To view exhibit and advertising opportunities, [click here](#). For all questions, please contact AFCC Program Coordinator, [Corinne Bennett](#).

[View the opportunities](#)

## Member News

After 17 years of outstanding service to the Commonwealth in Melbourne, as the Chief Justice of the Family Court of Australia from 2004–2017 and as head of the Federal Circuit Court of Australia (then known as the Federal Magistrates Court) from 2000–2004, The Honorable **Chief Justice Diana Bryant** is retiring. Congratulations on an outstanding career of service!

**Hon. Karl C. Eppich**, AFCC member from Florence, Arizona, was just appointed to the Arizona Court of Appeals. Congratulations, Karl!

## AFCC Scholarship Fund

Help your colleagues attend AFCC conferences by giving to the AFCC Scholarship Fund. AFCC scholarship recipients increase our diversity by bringing professionals from different backgrounds, representing the many disciplines encompassed by who we are as an organization. The annual appeal letter was recently mailed to all AFCC members. Please consider giving a gift today. Receiving your gift by the end of 2017 helps us plan for next year, and will provide US taxpayers with a deduction for the 2017 tax year. Will you contribute to allow a hard-working professional like yourself attend an AFCC conference?

[Donate Today](#)

## AFCC Webinar Corner



Register now for next month's webinar:

**Managing Holiday Time Conflict**

Robin Deutsch, PhD, ABPP

November 9, 2017 1:00pm Eastern

[Register now](#)

If you missed this month's webinar, Assisted Reproduction Law, members may access the recording for free through the [Member Center](#) of the AFCC website.

[Webinar Archives](#)

**Association of Family and Conciliation Courts (AFCC)**

6525 Grand Teton Plaza, Madison, WI 53719

(608) 664-3750

[Unsubscribe](#)





ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS



eNEWS

VOL. 12 NO. 10  
OCTOBER 2017

## **Dogs and Divorce—Is it Time For a New Approach?**

*Commentary by Greg Kincaid*

When someone mentions the family pet in the middle of their divorce, most lawyers shut down. Although they may not actually say it, I'll tell you what I suspect crosses the average legal mind...

*You're kidding me. You're an emotional train wreck, your children are suffering, and your finances are in shambles—and, now, you want to spend your limited time and resources arguing over the dog, too!*

Those sentiments are not totally wrong. But, they aren't totally right either. When it comes to dogs, and pets in general, we need to develop a more sophisticated and thoughtful problem-solving model. I'd be honored to start the dialogue. To handle pets and divorce with the requisite sensitivity and insight, like most problems we face, we'll need to think about the problem from a variety of different perspectives. Only then, will the entire picture come into focus.

### 1. A Legal Perspective.

The legal perspective on pets and divorce is frankly arcane and outdated. In general, as far as the law is generally concerned, there is no difference between a beloved family pet and a barnyard sow. Oink, oink or bow wow—it makes no legal difference. Even more starkly, there is no difference between a pet and a piece of furniture. An animal is personal property; nothing more. A dog's feelings, needs, and best interests are irrelevant. When lawyers and courts divide personal property—like dishes and towels—it's not a particularly good argument to assert that you happen to like the object in question more than your spouse or that the object in question seems to like you better. Nor would a court award a sofa to the spouses on an alternating week schedule. Most of the tools we use to divide personal property seem absurd when directed at pets. So, what does happen? Thankfully, most families work something out. But, sadly, the spouse that is more attached to the pet(s) can easily find himself or herself being emotionally blackmailed. *You want the dogs, then I'll take the Porsche.* It's not that the law is lazy, outdated or insensitive; these are very difficult problems and sometimes

when people are left to solve their own problems (because the court won't do it for them), that's just what they do: solve their own problems. When judges feel ill-equipped to make the right decision, who can blame them for kicking the can down the proverbial road.

## 2. A Dog's Perspective.

In a divorce, it's easy to skate right past the dog's needs. Instead, the arguments are all about the humans involved and their needs. As a mediator, I have received emails or memos with pages of narration about how much the dog means to the owner/spouse. Interestingly, dogs and kids are often treated alike. The dog-parents are often focused on their needs and not the dog's needs. One could easily theorize that the same parents that argue over their children are also likely to argue over their dogs—for essentially the same selfish reasons. Dog expert, Cesar Millan, in his book *A Member of the Family: The Ultimate Guide to Living with a Happy, Healthy Dog*, points out that because dogs (and humans) are pack animals, a divorce is emotionally stressful for the dog, too. A divorce is the break-up of the pack, or the family unit. Why wouldn't dogs have similar feeling of loss and anxiety? Instead of thinking about dogs like a piece of furniture, what if we thought of them as sensitive and caring animals that also have needs? Needs, it turns out, that are very similar to our own. What if, instead of applying property principles to our pets, we applied the same considerations that we use when thinking about the human animal? If we treated dogs like living creatures and not chattels, how would our analysis differ? I don't know for sure, but I suspect we might have the same kinds of dialogues we have every day with respect to children. When we put the children's needs first, somewhat miraculously, most custody disputes dissipate into thin air. Wouldn't the same happen with pets?

There are questions that just need to be asked when thinking about the dog's needs. How does your work schedule impact your ability to care for the animal? Why would it make sense to give the dog to the spouse that travels frequently and as a practical matter isn't available to meet the dog's needs? If one spouse is already feeling financially slammed, does this bode well for the pet's vet care? How attached is the dog to the children or to one owner? I understand that thinking about children and dogs in the same fashion has its limitations. Perhaps we're not ready to think about court ordered doggy-support, but surely we are ready to start treating pets like the loving family members that they are.

## 3. A Child's Perspective.

I don't have many memories of being seven years old. In fact, I only have one. The day a man came and took away my dog. I don't think I was a unique child. My dog was the center of my universe. As a Navy pilot, my father was often absent. Fritz filled that gap.

He was a manly dog—quiet, patient and always attentive to me. I spent hours playing with him or just staring at the passing clouds with my head resting on his chest. Fritz was also a no-nonsense and fiercely protective dog. In the end, that was why my parents felt the need to give him away. My grandmother picked me up one day and gave me a big squeeze. Fritz did not understand that it was a loving embrace. To him, I was being attacked. He growled and jumped on her, knocking her to the ground. He stood over her, with teeth barred. Absent my mother pulling the 110- pound German Sheppard off her, bad things might have happened. Of course, getting rid of the dog was a sound adult decision. But... Fifty years later, I still haven't forgiven them for giving my dog away! Sorry sis, but if someone had asked me to choose, I would have said, "Give my sister away, but not my dog!" In my parent's defense, I'm sure they had no idea of the depth of the emotional connection I had to the black German Sheppard. And, well, that's my point.

Parents spend a lot of money and effort trying to keep a house because they are convinced children are attached to a house. At the same time, some families barely give a passing thought to the family pets. It might be far more important to the children to have the dog available than that cozy southwest bedroom looking out over Elm Street. It only makes sense: biological attachments are far deeper than residential attachments.

#### 4. A Fresh Perspective.

At least one state has started to change the legal terrain in some very positive ways. Alaska has recently passed a law that allows courts to consider the best interest of the dog when deciding which spouse gets the dog. The same law also allows for "joint custody" awards and extends *protection from abuse orders* to pets. It's a great first step. Now, the rest of us need to get our state legislative bodies to follow suit. In the meantime, divorce courts are courts of equity. Fairness is the guiding light. I see no reason why we can't argue that the "equitable" thing to do is to consider the best interest of all family members—human and pet.

But hopefully we can avoid court altogether by wisely steering our clients away from these conflicts. When the question comes up from our clients-- *what do we do about the dog(s)*-- be prepared with something better than "The law really doesn't care about pets." Instead, ask the important questions. "Are your children attached to the pet? If so, would it make sense for the children and the dog to spend as much time together as possible?" Can both parents afford the pet? Is there any way you could share the pet?

I've written four dog-themed novels. In my recent novel, *Noelle*, I explored a plot element using a dog as a transitional object—that is, the dog goes back and forth with the children. Neither parent gets the dog. The kids get the dog! I've done this with several families in my mediation practice. Each parent is responsible for maintaining the

dog at their own house and they split the vet bills. Not only does this approach give the children a sense of continuity between households, but (arguably) it gives the dog a real purpose, too!

I believe that, professionally, we may have underestimated the importance of pets in a divorce. I believe too that the tools we bring to bear on this problem have been unnecessarily limited. I hope that this article has served its limited purpose. Let's all begin to think more carefully about our client's pets.

*Greg Kincaid is divorce mediator in Overland Park, Kansas and one of our members. He is also the New York Times best-selling author of six novels, all published by Penguin Random House. Two of his novels—A Dog Named Christmas and Christmas with Tucker--were made into Hallmark movies. His latest work, Noelle, was just released. In this novel, Greg borrows from his law practice as a divorce mediator to tell the story of Kansas family torn by divorce and healed by a dog. Please visit [www.gregkincaid.com](http://www.gregkincaid.com) for more information.*

The Maurice A. Deane School of Law at Hofstra University  
and the  
Association of Family and Conciliation Courts  
present the ninth annual  
**Family Law Writing Competition**

---



Hofstra Law and the Association of Family and Conciliation Courts (AFCC) are sponsoring the ninth annual Family Law Writing Competition. The competition is run in cooperation with the editorial staff of the *Family Court Review*, which is the academic and research journal of AFCC. The *Family Court Review* is an interdisciplinary and international journal published quarterly by Wiley and in cooperation with the Center for Children, Families, and the Law at Hofstra Law. The *Family Court Review* contributes to and facilitates discourse among the judicial, legal, mediation, mental health and social services communities.

### Topics for Submission

The subject of entries may be within any area of family law, although topics that focus on international or interdisciplinary subjects of family law are especially encouraged. Articles should concentrate on a current legal issue and must have a strong foundation in legal research. Use of interdisciplinary sources may also be appropriate for many topics.

Entries will be judged on the quality of legal analysis, originality, depth of research, timeliness, creativity and format. The *Family Court Review's* editors and a subcommittee of editorial board members will evaluate all articles.

### Authorship

Submissions must be the work of one person. No joint authorships will be accepted, except articles written jointly by a law student and mental health, social science, or other relevant graduate student. Submissions must be originally argued and researched legal papers. Hofstra Law students are ineligible to participate. Law students can be from any country. Advice and input from professors, judges, and professionals in the field is allowed, but the author must research and write the entire article. Entries cannot be more than 25 double-spaced pages in length, including footnotes. Articles must be in Times New Roman, 12-point font, with 1-inch margins. Authors from the United States must comply with *The Bluebook: A Uniform System of Citation, 20<sup>th</sup> Edition*. Authors from outside the United States must conform to the relevant legal citation format commonly used in that country and must indicate the citation format used. The submitted article cannot be published or submitted for publication elsewhere.

### AWARDS

#### First Prize

- \$500 cash prize courtesy of the Center for Children, Families and the Law at Hofstra Law
- Certificate of recognition as first-place winner
- Consideration for publication of the article in the *Family Court Review*
- Letter to the dean of the student's law school
- One-year complimentary AFCC student membership, including a one-year subscription to the *Family Court Review*

OR

- Complimentary conference registration to AFCC's 55<sup>th</sup> Annual Conference, held June 6-9, 2018, in Washington, DC. (Does not include hotel, transportation and food)

#### Honorable Mention (Up to two)

- \$250 cash prize courtesy of the Center for Children, Families and the Law at Hofstra Law
- Certificate of recognition as the honorable-mention winner
- Consideration for publication of the article in the *Family Court Review*
- Letter to the dean of the student's law school

### SUBMISSION PROCESS

---

Applicants must download the Entry Form from [law.hofstra.edu/FCR](http://law.hofstra.edu/FCR) and e-mail the completed form to [fcr@hofstra.edu](mailto:fcr@hofstra.edu) for an anonymous entry number by February 1,

2018. Applicants who do not submit an Entry Form by February 1, 2018 are ineligible. All submissions must be emailed as a Microsoft Word or PDF document to the *Family Court Review* at [fcr@hofstra.edu](mailto:fcr@hofstra.edu). Hard copies are not permissible.

### DUE DATE

---

Entry forms must be received by February 1, 2018. Article submissions must be received by February 15, 2018. The winner will be notified no later than March 15, 2018.

### CONTACT INFORMATION

---

If you have questions, please contact the Managing Editor of the *Family Court Review* at [fcr@hofstra.edu](mailto:fcr@hofstra.edu).

### RELEVANT LINKS

Association of Family and Conciliation Court (AFCC): <http://www.afccnet.org/>

Hofstra Law's Center for Children, Families and the Law: [law.hofstra.edu/CenterForChildren](http://law.hofstra.edu/CenterForChildren)

Hofstra Law's L.L.M. Program in Family Law: [law.hofstra.edu/LLMFamilyLaw](http://law.hofstra.edu/LLMFamilyLaw)

*Family Court Review*: [law.hofstra.edu/FCR](http://law.hofstra.edu/FCR)

MAURICE A. DEANE SCHOOL OF LAW  
HOFSTRA  LAW

