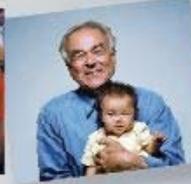




ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



eNEWS

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AFCC 55th Annual Conference

Compassionate Family Court Systems: The Role of Trauma-Informed Jurisprudence

June 6-9, 2018, Washington Hilton Hotel

Registration is open! [Click here](#) to register now!

Join AFCC for these outstanding headliners, and much more!

- **Jaycee Dugard**, talks about the trauma of her abduction and captivity
- **Bob Woodward** and **Kyle Pruett** discuss the loss of civility
- **Dr. Shawn Marsh** untangles the trauma from the drama
- **Judge Dan Michael** discusses trauma-informed practice, and

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AFCC Annual Conference

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

- **The Capitol Steps** will put the mock in democracy.

[Register now!](#)

Book your hotel room

Make your reservations soon, as rooms frequently sell out before the room block is released (May 16, 2018). The room block is currently at 90% capacity. The room rate for conference participants at the Washington Hilton Hotel is \$219/night for single or double occupancy. To make your reservation [book online](#) or call 1-800-445-8667 and request the AFCC special rate.

Thank you to our Conference Sponsors!



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AFCC Partners to Examine European Family Justice Innovations

AFCC partnered with two United Kingdom organizations in February to co-sponsor programs that examined family justice innovations in Europe. The first program was entitled Modern families, modern family justice: supporting family relationships in fast changing socio-political-economic climates. The program was co-sponsored by Relate and AFCC, and was a 24-hour residential consultation hosted at St. George's House, Windsor Castle.

[Read more](#)

AFCC 13th Symposium on Child Custody: Call for Proposals

AFCC Chapter Conferences

Ohio Chapter Annual Conference

April 4, 2018
Quest Conference Center
Columbus, Ohio

Oregon Chapter Annual Conference

April 13, 2018
River's Edge Hotel
Portland, Oregon

Australia Chapter Annual Conference

August 16-18, 2018
Hilton Victoria Square
Adelaide SA, Australia

Washington Chapter Annual Conference

September 22, 2018
Washington Athletic Club
Seattle, Washington

Florida Chapter Annual Conference

September 26-28, 2018
The Florida Hotel and
Conference Center
Orlando, Florida

Wisconsin Chapter Annual Conference

September 28, 2018

Check out AFCC Guides for Self-Represented Litigants and Professionals who work with them

Guidelines and Standards and Rules, Oh My!
November 8-10, 2018
Denver, Colorado

The AFCC Conference Committee is seeking proposals for 90-minute workshop sessions. Share your work with the interdisciplinary community of family law professionals who attend AFCC conferences. Proposals must be received using the online form by May 7. The program brochure and online registration will be available July 2018.

[View the call for proposals.](#)

[Submit Online](#)

Donate to the Silent Auction

This year AFCC celebrates its 20th silent auction! All proceeds support AFCC special projects and initiatives. Donate an item and attend the auction to bid! You do not need to attend the conference to donate, and you do. Past auction items include tropical getaways, one-of-a-kind jewelry, sports memorabilia, the latest tech gadgets and electronics, books, and more.

[Donate an item](#)

Ask the Experts: Seven Things You Should Know about Cross-Border Family Mediation

Melissa A. Kucinski

For the past fifteen years, a prominent part of my practice has been to act as a third party neutral for families whose problems cross international borders. Most of these disputes involve the movement of children, and the attendant issues that are created in these situations. Whether I am mediating an international relocation, a cross-border parenting plan, or an international child abduction, I can emphatically say that these cases are unlike any other, and are far more complex than a traditional domestic custody case. Difficult or not, I have also found that mediation is perhaps one of the most useful tools to serve these families' unique and complicated situations.

[Read more](#)



EDITOR:
[Leslye Hunter](#)

**ASSOCIATE
EDITOR:**
[Corinne Bennett](#)



afccnet.org

In Memoriam: Perri Mayes (1960-2018)

Perri Ellen Mayes passed peacefully on March 1, 2018, after a short illness, which she battled with grace and courage. Perri was a lifelong resident of Milwaukee and graduated from University High School. She received a Bachelor of Arts degree from Washington University then continued her education at Drake University Law School for her Juris Doctorate. Perri was a respected member of the dispute resolution profession as both an educator and practitioner. She taught mediation courses and served as director of the Mediation Clinic at University of Wisconsin - Madison. She frequently gave presentations at state and national conferences. She was a longtime member and supporter of AFCC. She had served as past president of both the Association for Conflict Resolution (ACR), an international association, and the Wisconsin Association of Mediators (WAM), a statewide association. Perri received WAM's 2012 Distinguished Service Award honoring outstanding dedication to the field. Perri's final weeks were filled with love and support from family and many loving visits from her friends. She will be dearly missed by her family members in the United States and Greece, her friends both life-long and new, and her colleagues.

AFCC Webinar Corner



Register now for next month's webinar:

Stepping-up Parenting Time: When and How to Determine the Right Time

Marsha Kline Pruett, PhD, ABPP and Leslie Drozd, PhD
April 10, 2018 1:00-2:00pm Eastern

[Register now](#)

If you missed this month's webinar, An Evidence-Informed Approach to Parental Alienation, AFCC members may access the recording for free through the [Member Center](#) of the AFCC website.

Join AFCC E2M (early-to-mid career professionals) webinar:

Publishing in the *Family Court Review*

Barbara Babb, Robert E. Emery, PhD, Matthew G. Kiernan

May 8, 2018 1:00-2:00pm Eastern Time

[Registration opens April 9, 2018](#)

This webinar is geared towards the E2M crowd and is free to AFCC members. Please register to participate!

Staff News

AFCC is pleased to announce that Dawn Holmes has been promoted to Director of Operations. Dawn joined AFCC in 1999 as Office Manager and was promoted to Operations Administrator in 2012. She manages IT, AFCC's Website, conferences, trainings, webinar registrations, membership, accounts payable, and other supervisory duties, while formally overseeing office and association operations. In May, 2015 Dawn received the Tim Salius President's Award. Congratulations, Dawn!

Nicole Ellickson, AFCC Meeting Manager, was elected to the Board of the Meeting Professionals International (MPI) Wisconsin Chapter as the Director of Special Events. Nicole has been AFCC's Meeting Manager since 2013 after working for more than 12 years with Marriott. Congratulations, Nicole!

Association of Family and Conciliation Courts (AFCC)

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Seven Things You Should Know about Cross-Border Family Mediation

Melissa A. Kucinski

For the past fifteen years, a prominent part of my practice has been to act as a third party neutral for families whose problems cross international borders. Most of these disputes involve the movement of children, and the attendant issues that are created in these situations. Whether I am mediating an international relocation, a cross-border parenting plan, or an international child abduction, I can emphatically say that these cases are unlike any other, and are far more complex than a traditional domestic custody case. Difficult or not, I have also found that mediation is perhaps one of the most useful tools to serve these families' unique and complicated situations. Below are some of my key lessons after working with these wonderful families.

1. You cannot approach these cases like you approach domestic family cases – they are much more intricate.

International treaties, criminal arrest warrants, jurisdictional laws, immigration issues, diplomatic immunity, human rights, child abduction, language barriers, culture, religion, international support issues, recognition and enforcement of agreements. The best-laid parenting plans may crumble under the weight of the challenges that these international families face. The countries this family straddles may present a host of legal and practical complications – bad internet or cell service, security challenges, ineffective legal systems, corruption, travel warnings, natural disasters, war.

2. Mediation can be used to manipulate the legal process.

Put simply, one parent may use mediation as a way to delay the other parent from filing court proceedings. In international family cases, a delay could mean opening yourself up to additional legal challenges, or stalling a chance to see your child for long periods of time. Agreeing to mediate in certain venues could unknowingly submit you to a foreign jurisdiction's laws. A mediator needs to understand the full life-cycle of one of these complex cases from all sides, and needs to have a keen sense of cross-cultural

intuition to ensure neither parent uses the mediation process to manipulate the legal process to the detriment of the other. With legal processes that may need to start in multiple jurisdictions, this becomes even more complicated.

3. There are strongly held views about how the mediation process should be structured and the rules we take for granted in mediation.

Other countries use mediation models that look quite different than some in the United States. One model (often called the “pressure cooker” model) schedules marathon mediation sessions in person over the course of two or three days. Some programs or countries may require that mediation sessions be entirely in person. Some models require co-mediation, with the mediators having certain specific characteristics – one man, one woman; bilingual; different educational degrees; different nationalities; etc. International Family Mediation trainings are not widespread outside of Europe, meaning mediators may obtain their skills differently. Some countries do not consider mediation sessions to be confidential. When I mediate these cases, I find that every single session and every single family requires something different. Being faced with different mediation structures and guidelines, and different expectations about the mediation process, will require you to be even more flexible in your approach.

4. Power imbalances are inherent in nearly every case, so you need to address them, but you can still mediate the case.

Imagine a child, physically located in a country that has no legal agreements, treaties or arrangements with the United States. There is literally no legal process that a parent can use to seek the return of this child to their home. Even worse, imagine that same child in a country that has no structured legal system that would even let a parent enter that country and use that country’s processes to secure access to the child. Imagine that this child is in this other country because the removing/taking parent relocated the child out of fear the left behind parent would harm the child, or the parent, or both. In many cases, you will observe that one parent has great incentive to achieve a voluntary resolution, while the other has no incentive to even have a conversation. The power imbalance is staggering. These cases can be mediated, but only with a highly skilled mediator that is fully cognizant of all the different dynamics, and how to facilitate the most appropriate conversation between the parents.

5. Where does a family go in the United States to mediate their cross-border dispute?

While in Europe, there are several structured mediation organizations and government agencies focused on cross-border family mediation, in the United States, your options will typically be to seek out a private mediator, or use a court-annexed mediation program if your case is already in court. Without consistent training protocols, the quality and consistency of mediators may vary city to city. It may be a challenge finding the right mediator. Be aware of your family’s situation and challenges, and you may need to “create” the right mediator – someone open minded and who can ask the right

questions, has the right network, and can be educated. Recognize that the right mediator may be in a different city, and if your family cannot afford the cost of facilitating an in person mediation session, consider whether the mediator can use distance mediation (video conference, email, telephone, etc.).

6. You are entering an ethical landmine.

Use caution when mediating a cross-border case. You may travel to mediate in a location where you are not licensed in your profession, where the mediation standards or credentialing are different, or where confidentiality or mediator protections are non-existent. You may need interpreters and translators. You may need to be versed in technology (and how certain technology can impact the confidentiality of mediation sessions). Your liability may be quite high in these cases. Educate yourself. Engage with other professionals to discuss these complicated issues, and ensure you are handling these delicate situations properly.

7. Start networking – these cases will take a village.

This family will need a lot of resources, information, and help to reach a comprehensive solution. There is little chance you will know all of the substance needed to help this family. Therefore, you need to know what questions to ask of this family, and the resources available to get them help. The resources are much different than when you mediate a domestic family case. There may be situations when you need to engage the US or a foreign government, international organizations, national organizations, lawyers, and courts. Even if you are not a lawyer, you need to have a network of lawyers, both in the United States and overseas. The legal issues in these cases are not only complicated, but will directly impact the family's ability to proceed with any agreement they want to make.

Without any doubt, these cases have been some of the most challenging, yet rewarding, of my career. If you want to learn more about cross-border family mediation, plan on arriving to Washington, D.C. early this June 2018, and join me in an all-day symposium on June 5th at the George Washington University School of Law, where we will explore these and many other issues. Registration can be found at:
<https://www.eventbrite.com/e/cross-border-family-mediation-dispute-resolution-for-international-families-in-your-community-tickets-42544368351>



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Thirty invited family law and dispute resolution leaders from throughout Europe were invited to Windsor to explore the issues facing families and family justice systems and share innovations and interventions, with the goal of establishing interdisciplinary and international networks within which to address future challenges. Participants came from Ireland, Spain, Germany, Scotland, Sweden, Netherlands, Denmark, the United Kingdom and the United States. AFCC was represented by Janet Walker, International Committee Chair, Annette Burns, President, and Peter Salem, Executive Director.

Following the Windsor meeting, nearly 80 European professionals traveled to London to participate in a one-day conference, co-sponsored and hosted by the Nuffield Foundation. The day featured presentations on a range of family justice topics, including in-progress Guidelines for the Use of Social Science in Family Law. Other topics included unrepresented litigants, mediation, digitization of family law, high conflict families and an update on the Nuffield Foundation Family Justice Observatory. A special panel featuring England's leading family law judges included Lord Justice Andrew McFarlane, Mr. Justice Stephen Cobb and Her Honour Judge Lesley Newton. Also in attendance were Sir James Munby, President of the Family Division of the High Court of England and Wales, and Sir Ernest Ryder, Lord Justice of Appeal and Senior President of Tribunals.

A special issue of *Family Court Review*, to be edited by Janet Walker and Gabriela Misca, will focus on European Family Justice Innovations and is expected in the summer of 2019. As AFCC expands internationally the support of our overseas partners is critical to its success. A very special thank you to the AFCC members and partners

who made special efforts so that these programs were possible: Janet Walker, Chair, AFCC International Committee; Chris Sherwood, CEO, Relate; and Teresa Williams, Nuffield Foundation, who has since become Director of Strategy for the Children and Family Court Advisory and Support Service (Cafcass).