



Improving the lives of children and families through the resolution of family conflict



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### President's Message

*Larry S. Fong, PhD*

This is my second President's Message to AFCC membership and, candidly, I am not sure what to say. AFCC has for years been a well-oiled machine, with relatively predictable timelines for programs, meetings, publications, and other initiatives.

But this is 2020 ... [Read more.](#)

### Join us for the 14th Symposium on Child Custody

**The Future of Child Custody: Stacking the Deck in Favor of Children**

*November 9-13, 2020*

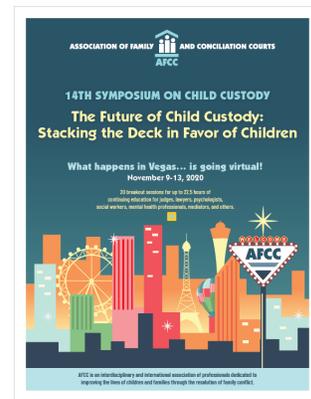
*(or November 10-14, depending on your time zone)*

The 14th Symposium on Child Custody will take place virtually to prioritize the safety of its attendees and presenters while still offering opportunities for educational enrichment and continuing education credit. Don't miss it! [Register now!](#)

**Start early, learn more: Pre-Symposium Institutes**

### 14th Symposium on Child Custody

*November 9-13, 2020*



*(or November 10-14, depending on your time zone)*

Thank you to our symposium sponsor, Soberlink!



Thank you to our annual conference sponsors!

**Diamond Sponsors**

For an in-depth look at critical issues in family court, register for a pre-symposium institute, a full-day program delivered in three 90-minute segments. **Separate registration is required.** Choose one.

***Fool Me Twice, Shame on Me: Are You Being Conned by a Coercive Controlling Abuser?*** This program will improve practitioners' ability to identify and assess abusive situations and to design parenting arrangements that are neither over-restrictive nor under-protective.

Faculty includes:

- Loretta Frederick, JD
- Hon. Anne Hirsch
- Katreena Scott, PhD
- Arnold Shienvold, PhD
- Nancy Ver Steegh, MSW, JD

***Online Dispute Resolution, Telepathy, and Remote-Child Custody Evaluations in the Age of COVID-19 and Beyond*** This program will address the practical considerations of conducting online dispute resolution, teletherapy, and remote-child custody evaluations.

Faculty includes:

- Milfred D. Dale, ABPP, JD
- Eve-Lynn Nelson, PhD, FATA
- Matthew Sullivan, PhD

[Read the conference program](#) brochure for complete details! We look forward to seeing you.

### Sponsor the Symposium

Many thanks to our symposium sponsor, [Soberlink!](#) Join Soberlink and sponsor [OurFamilyWizard.com](#)—promote your business on the event sponsor page. Contact [Gina Wentling](#) for details and affordable pricing.

### Ask the Experts: Children and the Parenting Coordination Process

*Mindy F. Mitnick, EdM, MA*

Parenting coordination assists parents in reducing conflict, improving communication, enhancing parenting, and resolving disputes. Since these functions focus on creating and maintaining safe, stable, and nurturing relationships, children are the indirect beneficiaries of the process. We know that children benefit from participating in important decisions that affect them, and so we need to consider their inclusion in the process. [Read more.](#)

### AFCC Training Programs Begin November 30th!

AFCC's new online training programs begin November 30th with a four-day program on parenting coordination and continue on December 7th with a two-day advanced program. Participants who sign up for both can earn up to 24 hours continuing education credit!

#### The Fundamentals of Parenting Coordination



SOBERLINK

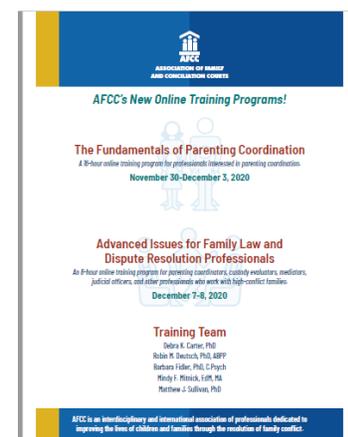
#### Platinum Sponsors



Online Parenting Programs

### AFCC's New Online Training Programs!

Nov. 30 - Dec. 3, 2020  
Dec. 7 - 8, 2020



### AFCC Chapter Conferences

#### Florida Chapter Annual Conference

Runs through December 10, 2020  
Being held virtually

## Advanced Issues for Family Law and Dispute Resolution Professionals

December 7-8, 2020 (8 CE hours)

The training team consists of experienced parenting coordinator practitioners and educators:

Debra K. Carter, PhD  
Robin M. Deutsch, PhD, ABPP  
Barbara Fidler, PhD, C.Psych  
Mindy F. Mitnick, EdM, MA  
Matthew J. Sullivan, PhD

[View the brochure](#) for more details and [register online](#).



## Texas Chapter Annual Conference

November 5-6, 2020

Being held virtually

## Resource of the Month

AFCC members have free access to the recordings and handouts from the **Special Webinar Series on Parent-Child Contact Problems**.

The most watched webinar in the series, "Dynamics, not Diagnoses: Assessing and Responding to the Best Interests of the Polarized Child," is presented by Benjamin Garber, PhD. In all, over 24 hours of content!

## AFCC Webinar Corner

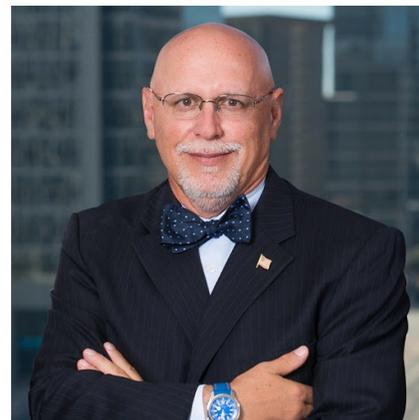
### Providing Effective Testimony for Mental Health Professionals

Mike Kretzmer, JD, CFLS

November 19, 2020 | 1:00-2:00pm Eastern Time US/Canada

Registration closes on November 18, 2020 at 9:00am Eastern Time US/Canada.

Mental Health Professionals are often called to testify in family law, guardianship, juvenile dependency, criminal, and related matters as a clinician or forensic expert. Testimony may be requested at trial and is often taken in pre-trial proceedings. The mental health professional may be called upon to provide testimony in the form or a written affidavit or declaration. Increasingly, mental health professionals are called to testify as rebuttal witnesses with regard to testimony and evidence provided by other mental health professionals. This webinar will provide an outline and overview of the do's and don'ts for mental health professionals as they prepare to testify at trial and in other proceedings. Topics to be addressed include patient-therapist privilege, limitations on subject matter and expertise, working with counsel in the role of testifying expert, and production of written work-product.



#### Registration

Members: \$15

Non-Members: \$50

#### Certificate of Attendance

Members: \$15

Non-Members: \$20

Continuing education credit may be available for lawyers, judges, psychologists, social workers, counselors, and other professionals. [Learn more](#).

[Register today!](#)

Stay tuned for December's webinar

## **Recordings - Flash Webinar Series**

If you missed our flash webinar series on parenting coordination, you're in luck! You can purchase access to recordings and handouts for all four webinars for one low rate.

[Learn more.](#)

## **Chapter News**

**Deborah Anderson**, AFCC member in Durango, Colorado and the new president of AFCC's Colorado chapter, has practiced in Southwest Colorado since 1979, emphasizing all aspects of family law. Deborah received her undergraduate degree from Pomona College in liberal arts in 1973. Deborah met her husband in law school and they married in 1975, more than 45 years ago. They raised their two girls in Durango while practicing together in their law practice, and now enjoy four grandchildren as well. Deborah received her Juris Doctor from Arizona State University in 1977. Deborah has been listed for more than two decades in The Best Lawyers in America, in the area of family law. She is a long-time member of the Executive Council of the Family Law Section of the Colorado Bar Association. Deborah credits the AFCC and Colorado chapter for restoring her faith and confidence in the practice of family law as a positive contribution to families in conflict.



**Shely Polak**, AFCC member in Richmond Hill, Ontario and new president of AFCC's Ontario chapter (AFCC-O), holds a Master of Social Work degree and a PhD from the Factor-Inwentash Faculty of Social Work, University of Toronto. She is a registered social worker and accredited family mediator. She is the director of a private practice of clinicians devoted to assisting families in conflict and involved with the court system. Shely continues to teach at the Factor-Inwentash Faculty of Social Work, University of Toronto, continuing professional education, and engages in research projects related to families involved in the family law. Shely is a frequent presenter at AFCC and AFCC Ontario chapter conferences. She is a mom to her three young boys. She enjoys 'Sunday Fundays' with her family and staying active outside or at the gym (and in COVID times, home gym!).



## **Member News**

**Judge Hugh Starnes**, Former AFCC President (2004-05) in Fort Myers, Florida, recently retired after 42 years on the bench. Judge Starnes decided he can no longer remain neutral on important societal issues and intends to actively support Black Lives Matter. "My value system will not allow me to sit silently by while our society struggles to deal with these flaws that tear at the very fabric of our society and democracy, and worse, while the upper echelon of our federal government

appears to be aggravating these flaws rather than attempting to solve them," he says. Congratulations, Hugh!



**Anne-Marie Cade**, AFCC member in Caulfield, Victoria, Australia, has received a Churchill Fellowship, which is an opportunity to study a chosen topic abroad for up to eight weeks. Anne-Marie will study parenting coordination in the US, Canada, the Netherlands, Italy, Israel, South Africa, and Singapore. She is a nationally accredited mediator, family dispute resolution practitioner, lawyer, conflict resolution specialist, and parenting coordinator. Congratulations, Anne-Marie!



**Ken Neumann**, AFCC member in New York, New York, is part of the team that was honored as the most recent recipient of the The Academy of Professional Family Mediators (APFM) Lifetime Achievement Award. APFM recognized Ken's team at the Center for Mediation and Training for "major substantive contributions that have shaped the family mediation field." Ken is a Founding Member of APFM and was an Advanced Practitioner Member for the Family Section of the Association for Conflict Resolution. Congratulations, Ken!



**Do you have a notable achievement to share?** Email [Gina Wentling](#) with your story and a professional head shot (JPEG or PNG preferred), if you have one, to be featured in next month's Member News!

## AFCC eNEWS

The *AFCC eNEWS* is the monthly e-newsletter of the Association of Family and Conciliation Courts. The *eNEWS* provides up-to-date information for professionals including practice tips, international news, and the latest initiatives in family law and conflict resolution. The *AFCC eNEWS* is provided at no charge to you; anyone can subscribe. [Subscribe here.](#)

*AFCC members are free to share eNEWS content.*

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ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS



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## President's Message

*Larry S. Fong, PhD*

This is my second President's Message to AFCC membership and, candidly, I am not sure what to say. AFCC has for years been a well-oiled machine, with relatively predictable timelines for programs, meetings, publications, and other initiatives.

But this is 2020. So, everything that I write about today could change tomorrow, long before this message is published. Or the day after, or the week or month after that. These are turbulent and interesting times so our experiences are those I enjoy with you today, in the moment.

On my office wall hangs a picture, drawn by a lawyer, of the symbols for "crisis" and "opportunity." This is related to a quote from President John F. Kennedy: "In the Chinese language, the word crisis is composed of two characters, one representing danger and the other, opportunity." While this quote has gained widespread popularity, it is unfortunately not quite accurate and has thus resulted in multiple analyses and interpretations. One such interpretation replaces "crisis" with "crucial point"—when something begins to change in ways that we do not expect.



Whether we are deep in crisis or the midst of opportunity remains to be seen, and perhaps both characterizations of our current situation are correct. What seems clear is that at some level, we are at a crucial point and that many things are changing in unexpected ways. Simple daily activities such as eating in restaurants and shopping for groceries have changed to carry-out, outdoor dining, online shopping, and one-way aisles at the grocery store. Had you ever heard of Instacart prior to last March? It's been around since 2012. Did you ever use the word "Zoom" as a verb before? Don't even get me started on the hoarding of toilet paper, or the shortage of PPE and antiseptic wipes.

More recently in our profession, there is the debate over whether parenting plan assessments should use videoconferencing, or for that matter any other means beyond the traditional in-office or face to face communications. Courts have made dramatic alternations in the delivery of justice in response to the pandemic. Mediation is routinely offered by videoconference. Many are working from an office environment, guest room, or dining room table delivering professional services in a much different manner via access to Zoom, Webex, Microsoft Teams, Google Meet, or Skype (remember Skype?). Some are simultaneously home-schooling their children, who are also working remotely. At times, the stray spouse, child, or pet pops into our business meetings. And of course, the AFCC staff has been working remotely for the most part, with a skeletal staff in the office, with masks on, office doors closed, and plenty of antiseptic wipes.

Throughout the years, AFCC members have always carefully considered how to make a difference to our clients, how to provide effective services that improve the lives of children and their families. Now, we are called upon to consider this while navigating the unexpected. Our current environment demands change, and if we are to continue to assist families effectively, we must be able to look at the issues differently or we only serve to maintain the problem with the same thinking that created it.

That is why I often think of the Albert Einstein quote, “Everything has changed except for the way we think.” Perhaps your own novel thinking will create new changes and opportunities for your clients as well as for yourself.



## Children and the Parenting Coordination Process: Top 10 Tips

*Mindy F. Mitnick, EdM, MA, Licensed Psychologist*

Parenting coordination assists parents in reducing conflict, improving communication, enhancing parenting, and resolving disputes. Since these functions focus on creating and maintaining safe, stable, and nurturing relationships, children are the indirect beneficiaries of the process. We know that children benefit from participating in important decisions that affect them, and so we need to consider their inclusion in the process.

### 1. Whether

The first decision a parenting coordinator (PC) considers is what purpose is served by including the child in the process. The PC should be careful not to assume that parent's statements that "my child wants to be heard" reflect the child's genuine desire or that the child would understand what "being heard" involves. In general, interviews of children during parents' disputes can be stressful, anxiety-provoking, and confusing. On the flip side, some children genuinely feel empowered by participation. The PC should caution parents and the child that participation will not necessarily result in the child's stated wishes being turned into recommendations or decisions that the PC makes.

PC's will want to consider whether the parents are ready to hear their child's input if it differs from their own views. Even when parents agree that they want the child to be interviewed, it remains for the PC to decide that doing so will not further embroil the child in the conflict dynamics.

### 2. Who

PCs can decide whether they will hear the voice of the child directly, through an interview, or indirectly through another professional, such as a Guardian ad Litem or a therapist. Some therapists will not be comfortable in this role because they are not talking with the child about the issue at hand, while others will have processed the issue with the child and have been asked by the child client to speak for them. One solution is to have the parents agree on a neutral child

consultant, who will interview the child and share what they learn with the PC, who will then decide whether and how to inform the parents.

### **3. What For**

The two main purposes of including the child in the process is to obtain information they have – such as what made them think Mom was drunk and to obtain their perspective, the “heart” of the child. Perspective may include how close the child feels to each parent, whether they can rely on each parent for practical help like getting to activities, and how a change in schedule might affect the child’s day-to-day life.

### **4. When**

The PC may want to speak with the child early in the process for a “get-to-know-you” session or wait until a specific issue’s consideration would benefit from talking with the child. The PC will want to consider whether agreeing to ask a child about a particular decision will likely result in additional requests from a parent. For example, what if, based on the PC’s decision, a parent will have expanded parenting time? Would the PC interview the child again at the next request for a step-up? What if the parent who opposed the step-up wants the PC to ask the child how it’s going for them? Having a set of parameters for your practice will make it easier to explain when the PC will include the child.

### **5. How**

Prior to COVID-19, the standard “how” would be to see a child in person, typically in the PC’s office or in a neutral setting. Until the restrictions of the pandemic are lifted, each PC will need to decide whether they believe that a remote interview will be successful, such as with a younger child, or in what setting the child can be safely interviewed. PCs will want to think carefully about a parent’s request to see the child in the home, as the child may not feel free to talk knowing that the parent or siblings are also in the home during the interview.

### **6. Whose Needs Are Being Met**

Parents may cloak their request for the child’s inclusion as in the child’s best interests, but it is important for the PC to make that determination. There is frequently both a benefit and a cost to a child who speaks freely and provides information that reflects negatively on one or both parents. The PC can consider if the child is the only source of the information and, therefore, essential to the process. The child will always be the only source of their own perspective if the parents truly give them the freedom to say what is important to them.

## **7. Limitations on Ability to Participate**

PCs should carefully consider having children participate if the children are younger than six, except if they have received specialized training in interviews with young children. Interviews with children with special needs, including those with attention and autism spectrum disorders, may also be difficult to complete. For children with mental health concerns, including depression and anxiety, the PC would need to obtain information from treatment providers before making the decision on whether the child's involvement is more likely to be beneficial or detrimental to the child's well-being. Traumatized children are likely to have particular challenges participating in the process if the experienced trauma(s) will be discussed in the interview. Training in the impact of trauma on children would benefit PCs so they know how to formulate questions and understand blocks, such as physiological arousal, memory gaps, and dissociation, during the interview.

## **8. Confidentiality & Safe Harbor<sup>1</sup>**

PCs must inform the child of the limits on confidentiality and should specifically let them know if the PC is a mandated reporter of child abuse and neglect. This should be presented in age-appropriate language that might be: "I want to tell you what I have to tell other people about. If you tell me that someone has hurt you or touched you in a way that they're not supposed to, I have to tell other people."

A Safe Harbor agreement may be requested or required so that the PC can inform parents about the gist of the conversation with the child but not specific details. Examples of Safe Harbors can be found online.

The PC should let the child know at the start of the interview whether they will be sharing information and/or the child's perspective with the parents. Children may have reactions to learning this and the PC can explore those by asking questions like, "You seem surprised. Tell me about that." The PC may also want to consider telling a child that they do not have to answer every question.

## **9. Interview Techniques**

As with all interviews with children, the PC should ask the most open-ended questions possible rather than Yes/No or multiple-choice questions. "Tell me about that," "Tell me more about \_\_\_" and, "Then what happened?" elicit information from the child's memory rather than from the PC's questions. The PC should avoid tag-end questions, such as "You're telling the truth, right?" or, "Your dad didn't tell you what to say, did he?" since the child will feel there is only one possible answer. With those questions, the child might say, "I don't know" when they know the answer but are uncomfortable disagreeing with the PC.

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<sup>1</sup> Jurisdictions vary in their rules about confidentiality of information in the PC process.

PCs will want to avoid discussing what schedule the child wants before about age 12. Even though children from a young age use the words day, week, month, they have very limited ability to discuss “the schedule” for two main reasons: 1) they don’t think in terms of calendars the way adults do and 2) they rarely can imagine how a schedule they haven’t experienced will actually work for them. Younger children may not understand that more time with Mom also means less time with Dad.

## **10. Decisions**

How the PC includes information from the child depends on whether a Safe Harbor exists. When there is no Safe Harbor, the PC can identify information provided by the child and how it supports or differs from information provided by the parents. For instance, a parent may have told the PC, “My child wants a 50/50 schedule”; however, the child tells the PC that they want more time with the parent but not at home because they don’t get along with the stepsiblings. When a Safe Harbor is in place, the PC could write in the decision, for example, “The information received from your child supports what Mom reported about your child’s preference” and not include any specifics of the child’s concerns or wishes.

When the PC makes a decision that differs from a child’s request, the PC may be asked to speak with the child again and “explain” why they did not do what the child requested. The PC should carefully consider such a request and determine if it is appropriate or if it is up to the parents to do that.

**Mindy Mitnick** is a Licensed Psychologist practicing in Minneapolis. She received a Master of Education from Harvard University and a Master of Arts from the University of Minnesota. She specializes in complex custody cases, working as an evaluator, therapist, and parenting consultant. Ms. Mitnick has trained professionals throughout the country about developmental issues in parenting schedules, effective interventions in high-conflict divorce, assessing allegations of sexual abuse during divorce disputes, and the use of expert witnesses in divorce cases. She has been a speaker for the Association of Family and Conciliation Courts, National Association of Counsel for Children, the National Center for Prosecution of Child Abuse, the Ontario Office of the Children's Lawyer, and numerous statewide training conferences. Ms. Mitnick served on the Minnesota Supreme Court Task Force on Parental Cooperation and the American Bar Association working group to update guidelines for child witnesses in criminal cases. She currently serves on the AFCC Task Force on Court-Involved Therapy and is a board member of the Minnesota Chapter of AFCC.

