



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



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## President's Message

### Looking Back, Looking Ahead

*Mindy F. Mitnick, EdM, MA*

What a time it has been! For all of us personally and professionally, the past year has been one of change, challenge, and opportunity. When I joined the AFCC Board of Directors in 2010, we had 3,900+ members. President Emile Kruzick announced his goal of 5,000 members and I thought that was wonderfully optimistic and unrealistic.



How could I have been so wrong? As I assume the Presidency, Emile's goal is in our rear-view mirror and we are now 6,000+. [Read more.](#)

## The AFCC-AAML 2021 Conference, a Hybrid Event, Begins September 21st

### 2021 Conference on Advanced Issues in Child Custody: Evaluation, Litigation, and Settlement

#### Virtual Conference

## AFCC-AAML 2021 Conference on Advanced Issues in Child Custody



September 21-24, 2021  
Live via Zoom

September 23-24, 2021  
In-Person Networking  
and Consultation  
Washington, DC

## AFCC Fall Conference

November 11-13, 2021  
Cincinnati, Ohio

September 21-24, 2021  
Live via Zoom

## In-Person Networking and Consultation

September 23-24, 2021  
Capital Hilton, Washington, DC

AFCC members have missed their family law colleagues and have been waiting for an opportunity to see them in person.

**The long wait is over!** Join us in Washington, DC to network and socialize with long-lost colleagues and to meet new ones at the AFCC-AAML 2021 Conference.

### Here's what you should know:

- **All sessions will be delivered online.** If you aren't ready to travel yet, you can attend all sessions and have access to recordings for a full year afterwards.
- **If you choose to join us in Washington, DC, there will be several in-person activities.** In addition, dedicated meeting space at the Capital Hilton will be available for those who wish to view programs together.
- **Traveling to Washington, DC?** The Capital Hilton is offering a reduced special rate to conference attendees of \$229/night for single or double occupancy. **Make your reservations online** or call 1-800-HILTONS (800-445-8667), ask for the Capital Hilton, and the AFCC-AAML Meeting.

### Need more information?

**Visit the conference portal!** Everything you need is there.

1. Read about and get excited to attend the **sessions**.
2. Check on **continuing education information**.
3. Add a listing for your business to the **exhibitor tab**.
4. **Most importantly, register to attend!**

We look forward to seeing you online, and perhaps in Washington, DC as well!

[Register now!](#)

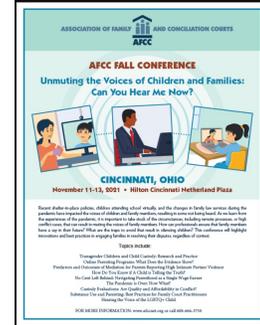
## Ask the Experts

### Six Big Ideas for Reforming Justice for Families

*Michael Holberg and Alicia Davis, JD*

In August 2020, after considering the pandemic's effects on courts and the barriers to family justice, the Conference of Chief Justices and Conference of State Court Administrators (CCJ/COSCA) signed into effect Resolution 4 In Support of a Call to Action to Redesign Justice Processes for Families, setting forth the following six "Big Ideas" to redesign family justice processes:

1. Ensure that family law matters receive the same level of prestige and respect as other court matters by providing



## AFCC 59th Annual Conference

May 11-14, 2022  
Chicago, Illinois



Submit a proposal to present! The call for proposals is open until October 4, 2021.

Thank you to our 58th Annual Conference sponsors!

### Diamond Sponsors



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Platinum Sponsor

them with appropriate recognition, training, funding, and strong leadership. [Read more.](#)



Online  
Parenting  
Programs

## The AFCC Fall Conference Comes to Cincinnati, Ohio!

Save the date for the [AFCC Fall Conference!](#)

### AFCC Fall Conference

*Unmuting the Voices of Children and Families: Can You Hear Me Now?*

November 11-13, 2021

Cincinnati Netherland Plaza

Cincinnati, OH

[Save the date!](#)

### Hotel Reservations

The Hilton Cincinnati Netherland Plaza is offering a special rate of \$147/night for single/double occupancy to AFCC attendees. [Make your reservation online](#) or call 800-HILTONS (800-445-8667), ask for Hilton Cincinnati Netherland Plaza, and request the group code **AFCC**.

### Scholarships are Available!

Thanks to the generosity of [donors to the AFCC Scholarship Fund](#), AFCC will offer several scholarships to attend the AFCC Fall Conference. Each scholarship includes conference registration, one pre-conference institute, welcome reception, luncheon, access to the AFCC hospitality suite, and a certificate of attendance. **To be considered for a scholarship, complete the [online application](#).** The application deadline is September 7, 2021.

### Exhibitors Welcome!

The Fall Conference will be delivered in person, giving exhibitors the first opportunity to interact with AFCC attendees face-to-face in two years! [Read the prospectus](#) and contact Gina Wentling at [gwentling@afccnet.org](mailto:gwentling@afccnet.org) or 608-664-3750 for more information. Space is limited. Sign up now!

## Join Us October 5th for the Next AFCC DE&I Webinar!

### Identifying and Addressing Microaggressions

*Lindsey S. Davis, PhD*

Tuesday, October 5, 2021

4:00pm-5:00pm Eastern Time US/Canada

Registration closes on October 4, 2021 at 9:00am Eastern Time US/Canada

Microaggressions are subtle verbal, behavioral, and environmental expressions that serve to derogate or exclude individuals based on their marginalized identities. This webinar will introduce audience members to the concept of microaggressions; the research on racial, ethnic, gender, and sexual orientation microaggressions and their detrimental impact on mental and physical health; and ways to intervene effectively when a microaggression is recognized.

### AFCC Chapter Conferences & Webinar Series

#### Minnesota Chapter Annual Conference

July 29, 2021

St. Paul, Minnesota

#### Wisconsin Chapter Annual Conference

September 30, 2021

Delafield, Wisconsin

#### Maryland Chapter Annual Conference

October 7, 2021

Being held virtually

#### Colorado Chapter Annual Conference

October 8-10, 2021

Being held virtually

#### Ontario Chapter Annual Conference

October 15, 2021

Toronto, Ontario

#### Illinois Chapter Annual Conference

October 22, 2021

Being held virtually

followed by a live social gathering (COVID-19 restrictions permitting)

#### Arizona Chapter Annual Conference

January 21-23, 2022

Sedona, Arizona

#### California Chapter Annual Conference

February 4-6, 2022

San Francisco, California

### Resource of the Month

Free registration includes a certificate of attendance. You must register to attend.  
[Register now!](#)

## The AFCC eNEWS

Did you read an excellent *Ask the Experts* column six months ago but accidentally deleted the email? That's okay! You can browse past issues of the AFCC eNEWS [here!](#) (For issues from 2010 and earlier, [visit the archives.](#))

## Submit Your Proposal for the AFCC 59th Annual Conference in Chicago, May 2022

### The Use, Misuse, and Abuse of Technology in Family Law: Practical, Ethical, Safety, and Procedural Challenges

Chicago, Illinois  
May 11-14, 2022

AFCC is accepting proposals for 90-minute workshop sessions for the 59th Annual Conference. Proposed topics may include, but are not limited to:

- Access to Justice Innovations
- Online Dispute Resolution
- Remote Court Hearings
- Remote Interviewing
- Tech Tools: Pros and Cons
- Telehealth

All proposals are due October 4, 2021. [Read the complete instructions](#) and use the [online form](#) to submit your proposal.



## AFCC Webinar Corner

### "Coparenting" Without Contact and Other Conundrums: Can Parties with Orders of Protection Really Have Joint Custody?

Holly Friedland, Esq. and Gregory D.R. Behringer, Esq.  
August 10, 2021 | 1:00-2:00pm Eastern Time US/Canada  
Registration closes on August 9, 2021 at 9:00am Eastern Time US/Canada.

Should there be a presumption against a perpetrator of IPV having joint legal or physical custody of their children? Should a finding of IPV be sufficient to warrant limiting or even eliminating a parent's parenting time? How can a court make a finding that a person has been a victim of IPV and then expect them to co-parent with their abuser? These are some of the questions this webinar will explore. The presenters will also offer suggestions for alternatives that in the right circumstances, if implemented, could enable parents to continue co-parent while offering a domestic abuse victim protection from future acts of IPV.



**Holly M. Friedland, Esq. (top)**, is a partner at Jacobs Berger, LLC in Morristown, New Jersey where she has focused her practice in the area of Family Law including representation in intimate partner violence and child custody matters. She is a Director for the New Jersey Board of AFCC and has lectured extensively on the issue of intimate partner violence on the state and national level.



**Gregory D. R. Behringer Esq.**, is a member of Laufer, Dalena, Bradley & Doran, LLC in Morristown, New Jersey where he has focused his practice in the area of Family Law including representation in intimate partner violence and child custody matters. He has presented numerous continuing legal education seminars and published articles in the *Matrimonial Strategist* on family related matters.

#### **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!](#)

### **Register Now for AFCC's September webinar!**

#### **All Dressed Up and Nowhere to Go: Attachment Measures and Theory in Family Law Practice**

Benjamin Garber, PhD

September 14, 2021 | 1:00-2:00pm Eastern Time US/Canada

[Register now!](#)

## **Chapter News**

**Wendy Bourg**, AFCC member from Portland, Oregon, is the new president of the Oregon chapter of AFCC. Dr. Bourg has worked in the areas of high conflict divorce, child abuse, and expert witness testimony for the past three decades.

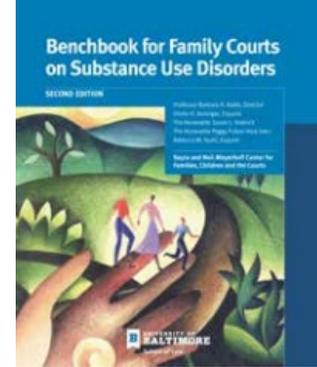
She is looking forward to working with a team of Oregon Board members to increase member engagement in a statewide community through enhanced communication channels and a thought-provoking state conference. Congratulations, Wendy!



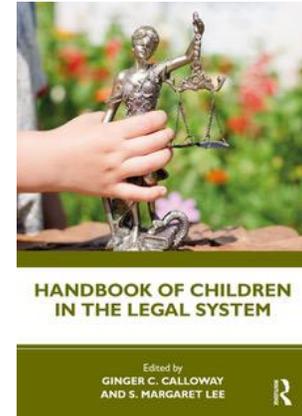
## **Member News**

**Barbara Babb, MS, JD**, AFCC member in Baltimore, Maryland and editor of *Family Court Review*, along with AFCC member **Rebecca M. Stahl, JD** (Baltimore, MD) and others, has published *Benchbook for Family Courts on Substance Use Disorders, Second Edition*. The book's publication was announced by the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC). Barbara is the Founder and Director of the CFCC; Rebecca is the Deputy Director. The *Benchbook* seeks

to create and strengthen the linkages and collaboration between family courts and treatment systems by educating all participants about addiction and substance use disorders. Learn more about the book [here](#). Congratulations, Barbara and Rebecca!



**Ginger Calloway, PhD**, AFCC member from Raleigh, North Carolina, and **S. Margaret Lee, PhD**, AFCC member from Mill Valley, California, have edited a new resource, *Handbook of Children in the Legal System*. Learn more about the book [here](#). Margaret is a licensed psychologist whose work focus is providing services to divorcing families and family law attorneys. Her recent peer reviewed articles have involved issues of attachment in child custody work and providing consultation to family law attorneys. Ginger is a psychologist who provides evaluations to the Courts and attorneys in criminal and civil matters. She has written articles and chapters on psychology-related topics. Congratulations Ginger and Margaret!



**Jerold Grodin, PhD**, AFCC member from Sarasota Springs, New York, **Hon. Janice M. Rosa (Ret.)**, AFCC member from Denver, Colorado, and **Timothy Tippins**, AFCC member from East Greenbush, New York, have been appointed to serve on New York Governor Cuomo's Blue Ribbon Commission on Forensic Custody Evaluations. **Jerry** has been performing forensic child custody evaluations for over twenty years and has testified as an expert witness in eight counties in Upstate New York. He owns a private group practice and currently serves as the Director of Professional Affairs for the New York State Psychological Association. **Jan** served on New York State Family Court and Supreme Court trial benches, was Supervising Judge for her district's family Courts, and supervising judge for matrimonial matters. She was the first recipient of the New York Judiciary's Judicial Excellence Award. Justice Rosa received AFCC's Meyer Elkin writing award. **Tim Tippins** is adjunct professor at Albany Law School and serves on the faculty of the American Academy of Forensic Psychology and on the Affiliate Postdoctoral Forensic Faculty at St. John's University. He is a regular feature columnist for the *New York Law Journal* and is the author of the multi-volume treatise *New York Matrimonial Law & Practice*. Congratulations, Jerry, Jan, and Tim!

**Beth McCormack**, AFCC member from Chicago, Illinois and a member of the AFCC Board of Directors, has been selected as one of 50 powerful women attorneys in Illinois by *Chicago Lawyer Magazine* and *Chicago Daily Law Bulletin* for their second annual Salute! Nominees were evaluated for their work in mentoring and promoting other women in the profession, their success in the legal community, and being a leader in the profession, among other notable attributes. Beth focuses on highly complex family law matters as well as mediation and collaborative law. Congratulations, Beth!



**Darren Mort**, AFCC member from Kew, Victoria, Australia, has been named a finalist for Barrister of the Year, an honor as part of the Australian Law Awards 2021. Darren is a philanthropist, barrister, actor, writer, and producer. His charity, the not-for-profit To Be Loved Network, helps children navigate the difficult experience of family breakdown and provides resources to family law professionals who work with these children. Darren is the creative force behind the short film *TOMMY*, which was viewed by hundreds of attendees at the

14th Symposium on Child Custody in November 2020.  
Congratulations, Darren!



**David Suntag**, AFCC member from Nevada and retired Superior Court judge from Vermont, was awarded the highest teaching honor of The National Judicial College (NJC), the V. Robert Payant Award for Faculty Excellence in March of 2021. He had previously received the NJC Distinguished Faculty designation. Judge Suntag's 2021 article ***Pleas, Plea Bargaining and Domestic Violence: Procedural Fairness as an Answer to a Failing Process***, was published in the *Journal of the American Judges Association Court Review* Vol. 57, Issue 1 (2021). His article ***Reflections from the Bench: Procedural Fairness and Trauma: How do we avoid re-traumatizing our court users?*** was published in the *National Judicial College Judicial Edge*. Congratulations, David!



**Do you have a notable achievement to share?** Email [Gina Wentling](#) with your story and a professional head shot (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.*

### EDITOR:

[Ann Ordway, JD, PhD](#)

### ASSOCIATE EDITOR:

[Gina Wentling](#)





ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS



eNEWS

July 2021  
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## President's Message: Looking Back, Looking Ahead

*Mindy F. Mitnick, EdM, MA*

What a time it has been! For all of us personally and professionally, the past year has been one of change, challenge, and opportunity. When I joined the AFCC Board of Directors in 2010, we had 3,900<sup>+</sup> members. President Emile Kruzick announced his goal of 5,000 members and I thought that was wonderfully optimistic and unrealistic. How could I have been so wrong? As I assume the Presidency, Emile's goal is in our rearview mirror and we are now 6,000<sup>+</sup>.

The pandemic posed significant challenges to AFCC and I wanted to reflect on how we met them. The work of Rick Hanson came back to me: Resilience is for thriving, not just surviving. AFCC has been thriving during the past year. Our work captured multiple principles of resilience: Compassion, Learning, Grit, Gratitude, and Generosity.

We immediately joined with the American Academy of Matrimonial Lawyers (AAML) to develop and issue COVID guidelines for separated and divorced parents. The tone of the guidelines was compassionate, and the content was child-focused. We urged parents to be understanding as we knew we, too, needed to be understanding with them: "Adversity can become an opportunity for parents to come together and focus on what is best for the child. For many children, the strange days of the pandemic will leave vivid memories. It's important for every child to know and remember that both parents did everything they could to explain what was happening and to keep their child safe."

AFCC went into high gear to provide webinars that allowed members to continue their professional learning. I also watched as our amazing staff learned the new platform that would allow us to provide webinars for hundreds of members and non-members alike. We were both nimble and accessible throughout these many months, continuing to provide excellence in programming and remaining available to our members. By the numbers, we organized 160 hours of continuing education and connection in the form of (it's like the partridge in the pear tree song): 40 webinars, four discussion groups, parenting coordination training (both basic and advanced), child custody evaluation training, two annual conferences, and one custody symposium. We designed these offerings to be available throughout the US and Canada and around the world by scheduling them at times that would maximize participation. Although we could not make it convenient for everyone, we offered another option—if you couldn't attend live, you were able to attend via the recordings.



The staff fielded many contacts from you expressing your gratitude for their seemingly unending support—How do I share my screen? I don't have any sound. How do I find the handouts?

And finally, AFCC was generous in offering subsidized memberships at the start of the pandemic and some of you accepted our offer. Others have donated to our scholarship fund, and I hope you will continue to do so. I ask each of you to consider supporting our Diversity, Equity, and Inclusion efforts by making a donation, no matter how small. AFCC scholarships help us expand our big tent to include those with limited economic resources, students, and young professionals.

I hope you feel a great deal of gratitude to all of the volunteers who make AFCC such a success: Our Board members, our presenters, our moderators, and our committee members have devoted hundreds of hours of their collective time and they all do it with a big heart.

I asked some Minnesota colleagues to tell me something they learned during the pandemic and they shared their ideas on resilience. They reported: Naps, Golden Retriever snuggles, breathing, staying connected with people we care about and with nature, slowing down, and not going back to running from one meeting/social gathering to another. The planners among us noted that they learned there are times when you just can't predict the future and then you have to create new options. Some will continue new ventures like my now jewelry-making attorney colleague. Others noted their introverted self- discovered they needed to be with people and the extroverts learned they enjoyed their alone time. There was also a mention of bourbon.

On the personal side, I didn't learn to bake sour dough bread and I didn't make any TikTok videos. I kept up my very wee workout routines and tried a bunch of lovely new recipes. I located my creative self and invited the AFCC Board to write pandemic haiku. What a collection they produced! Ann Ordway, our new Program Director, wrote:

To AFCC!  
Members never left behind  
In this together.

Finally, I am reminded of the words of children's songwriter, Raffi: "The more we get together, the happier we'll be." We will be so happy to get together in September in Washington, DC, November in Cincinnati, and next May in Chicago.



## **Ask the Experts: Six Big Ideas for Reforming Justice for Families**

*Michael Houlberg and Alicia Davis, JD*

Numerous studies have demonstrated that adversarial processes are hard on families, and hard on family law professionals.

The Cady Initiative for Family Justice Reform (formerly “Family Justice Initiative”) exists to guide courts toward improved outcomes for families, while managing costs and controlling delays. Launched in 2017, the Cady Initiative studied the landscape and best practices in domestic relations cases, created the [Principles for Family Justice Reform](#), and then implemented these recommendations in four demonstration sites.

In August 2020, after considering the pandemic’s effects on courts and the barriers to family justice, the Conference of Chief Justices and Conference of State Court Administrators (CCJ/COSCA) signed into effect [Resolution 4 In Support of a Call to Action to Redesign Justice Processes for Families](#), setting forth the following six “Big Ideas” to redesign family justice processes:

- 1. Ensure that family law matters receive the same level of prestige and respect as other court matters by providing them with appropriate recognition, training, funding, and strong leadership.**

For successful implementation of the principles, court leaders must drive improvement efforts, acknowledging that the road may be long and that the court needs support from the larger community. The family court needs judges who exhibit strong leadership, advocate for ample training and resources, and work with family law professionals for the benefit of children and families coming before the court. Efforts in Cuyahoga County, Ohio have been championed by this kind of leader, former AFCC Ohio Chapter President Magistrate Serpil Ergun, who is a long-standing and nationally known jurist. As for courts where domestic relations judges rotate quickly (e.g., every two years), they can be challenged to identify long-term champions.

Effective strategies that judicial leaders can use to champion change include providing reasons for the changes in policies, establishing clear and frequent communication channels, and using available data to inform decisions. The Honorable Greg Sakall, the presiding judge of Pima County Arizona’s Family Division, has overseen implementation of these principles since 2019.

Notably, Judge Sakall facilitated the implementation of a caseload dashboard during the pandemic to provide insight to judges and court employees about family cases that are backlogged or stalled, to ensure that they are given the judicial attention needed.

## **2. Aggressively triage cases at the earliest opportunity.**

Backlog of cases has been seriously exacerbated by the pandemic, with some courts calendaring cases months, even years, out. [A Model Process for Family Justice Initiative Pathways](#) sets forth processes for active case management by court personnel through service-based pathways to match parties and cases to the resources and services they need. “Tailoring the involvement of judges and professional staff to [case] characteristics and needs will lead to efficiencies in time, scale, and structure.”

Efficiencies in time and scale have been found in Alaska’s Early Resolution Program, which represents an example of court triage and was awarded the 2021 AFCC Irwin Cantor Innovative Program Award. Several jurisdictions have implemented proactive triage and pathways approaches, including the Connecticut Judicial Branch and the Massachusetts Probate and Family Court. The state of Indiana is likewise developing processes. As an exciting development, Johnson County, Kansas, is using online dispute resolution technologies to automate the concepts of the pathways.

## **3. Simplify court procedures so that self-represented parties know what to expect, understand how to navigate the process, can meaningfully engage in the justice system, and are treated fairly.**

The legal system was built by lawyers for lawyers. However, the landscape of litigants is not what it used to be, with over 70 percent of both civil and domestic relations cases now involving at least one self-represented litigant. One common complaint is the difficulty with forms, filings, and other paperwork. It is not a matter of being educated, though, because the paperwork is written in legalese, which is the equivalent of a foreign language for most. It is not just paperwork that needs to be simplified. The overall process itself has been described as wandering through a dark room where someone would shine a flashlight in the right direction without anyone ever turning on all the lights.

In just the past few years there have been several resources created on how to simplify forms and other legal paperwork. In 2019, the National Association for Court Management created a comprehensive 89-page *Plain Language Guide*. That same year, the Institute for the Advancement of the American Legal System (IAALS) at the University of Denver, in partnership with Lois R. Lupica and stemming from the Cady Initiative, created [Guidelines for Creating Effective Self-Help Information](#).

As for simplifying the court process itself, several states have focused on the trial as it is one of the most confusing and intimidating steps. States including Alaska, Idaho, Oregon, and Utah have implemented informal domestic relations trials, where the rules of evidence do not apply, litigants can speak directly to the judge, and judicial decisions are usually made on the same day as the trial. In some states, these informal processes have increased litigants' sense of fairness in the process, and attorneys are likewise satisfied with the process.

**4. Ensure that self-help information and services are available both in person and remotely so that all litigants can access the full range of court self-help in the manner that is most appropriate for their needs.**

The traditional model for receiving self-help information and services required the self-represented litigant to travel to the courthouse. The COVID-19 pandemic flipped this model on its head as self-help centers were forced to either transform their services to a virtual platform or shut down. Many self-help centers converted to virtual services, increasing accessibility, convenience, and resourcefulness, but as CCJ/COSCA noted in [Guiding Principles for Post-Pandemic Court Technology](#), "Technology is not a panacea...Courts should identify options for those without meaningful and/or limited access to the Internet or equipment required to participate in court processes remotely."

There are examples from courts across the country on how to successfully implement virtual services with in-person options, ensuring that court users can access services in the manner that is most appropriate to their needs. In October 2020, IAALS published [Pandemic Positives: Extending the Reach of Court and Legal Services](#), a report that highlights a number of these courts and their journey toward providing services for all people during the pandemic. The Salt Lake City Justice Court, for example, moved the majority of hearings to a virtual format, but also set aside courtrooms equipped with the necessary technology for litigants to participate in hearings who may lack those tools. Additionally, the Pima County Law Library and Resource Center moved to virtual services while also providing a pickup station outside of the courthouse for court users to pick up forms who are unable to access those forms online.

**5. Offer families a choice of dispute resolution options to promote problem-solving and to minimize the negative effects that the adversarial process has on families during the court process and afterwards.**

The *Principles for Family Justice Reform* establish a triage pathway system that matches cases and parties to appropriate resources and services both within and outside the court. Principle 6 focuses on the Streamlined Pathway and Principle 8 on the Judicial/Specialized Pathway, with the former being appropriate for cases that require minimal court resources and little to no exercise of judicial discretion, and the latter for cases that need substantial court-based or community services and resources. Principle 7 speaks to the Tailored Services Pathway, which

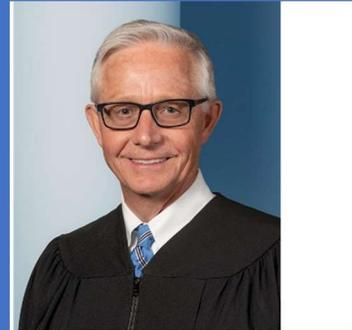
is for those cases that fit between the other two pathways and has alternative dispute resolution (ADR) at its core. “The court must ensure that families have access to information on alternative dispute resolution and other services that can help parties reach agreement.” As courts emphasize the value of ADR, they send the message that it is supported by the court system and that it provides a viable alternative to litigation.

In 2019, IAALS worked with Julia F. Weber to publish [\*Guidance on Developing Problem-Solving Approaches for Families in Court\*](#). This guide also stems from the Cady Initiative and it focuses on the benefits and considerations that must be analyzed by courts when considering ADR. For example, different types of ADR mechanisms have been shown to help manage emotions and improve parental communication, but in cases that involve domestic violence there are serious concerns with a process that relies heavily on balancing power, sharing information, and confidentiality. As judges and court staff better understand the different benefits and considerations with each type of ADR mechanism, including mediation, early neutral evaluation, conciliation, and settlement conferences, the better that courts can help parties achieve the most successful path and outcome for their situation.

**6. Promote the well-being of families, including implementation of trauma-responsive practices for families and staff, throughout the life of their case and as the primary desired case outcome.**

In partnership with the National Judicial Task Force to Examine State Courts’ Response to Mental Illness, the Cady Initiative intends to address the intersection between domestic relations, domestic violence, and behavioral health. To do so, it is convening a multidisciplinary committee with broad expertise to study and recommend court policies, procedures, and services regarding judicial and staff responses that are trauma-preventive and that assist with transition and referral to services. This committee will also identify how judicial system responses may exacerbate or contribute to mental health issues and make recommendations to mitigate that unintended outcome. Recommendations will be set forth in spring 2022.

THE HONORABLE  
MARK S. CADY



A proponent of access to justice, and the chair of CCJ/COSCA's Family Justice effort, Iowa Chief Justice Mark Cady, addressed a national audience regarding child and family cases in September 2019 saying, “We need to be able to say that we did everything that we could when it was our time.” Chief Justice Cady passed away unexpectedly just two months later. His efforts to support fairness, his dedication to children and families, and his leadership within the courts will not be forgotten.

## Conclusion

Implementing these six big ideas requires significant partnership by domestic relations professionals and the community. The Cady Initiative is a joint effort between the National Center for State Courts (NCSC), the Institute for the Advancement of the American Legal System (IAALS), the National Council of Juvenile and Family Court Judges (NCJFCJ), and the Association of Family and Conciliation Courts (AFCC).

**Alicia Davis, JD**, is a Principal Court Management with NCSC with 20 years working to confront challenges in the justice system with a focus on justice for vulnerable populations. As the national project director for the Mark S. Cady Initiative for Family Justice Reform in partnership with IAALS, NCJFCJ and AFCC, Alicia is working to improve the way state courts handle domestic relations cases through the “6 Big Ideas” of Family Justice Reform. Alicia has worked in courts in every region of the US and internationally, providing operational assessments, facilitating participatory evaluations, and designing processes that have resulted in measurable improvements. Ms. Davis was a child and family law attorney for several years before entering court administration. Ms. Davis received her J.D. from the S.J. Quinney School of Law at the University of Utah and is a trained project management professional and certified mediator.



**Michael Houlberg** is a manager at IAALS, the Institute for the Advancement of the American Legal System at the University of Denver. Michael works on family justice, civil justice, and legal profession issues, with a focus on improving the family court process by promoting greater accessibility, efficiency, and fairness to everyone involved. Michael joined IAALS in 2018 after working for both private and nonprofit organizations, most recently with the National Center for State Courts where he worked on projects that included the implementation of a statewide case management system. Michael graduated from the University of San Diego School of Law in 2015.

