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AFCC eNEWS

MONTHLY E-NEWSLETTER

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AFCC Board Announces Price Freeze

The AFCC Board of Directors has voted to freeze all prices for members until at least January 2010. The unanimous decision was reached at the Board's September 25, 2008 meeting in Albuquerque, New Mexico, the same week the United States Congress struggled with the proposed bailout of Wall Street and its effect on the global economy.

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Listen to Albuquerque Plenary Sessions Online Download to your iPod or Listen Online Now

AFCC members have free access to plenary session audio from *AFCC's Eighth International Symposium on Child Custody Evaluations*, September 25-27, 2008 and *Eighth International Congress on Parent Education and Access Programs*, September 26-27, 2008, at AFCC's Online Member Center. All sessions can be purchased in CD or MP3 format through [Digital Conference Providers, Inc.](#) AFCC would like to thank its conference sponsor, [Walther Family Law](#), for their generous support in helping make this conference a success. Please click the link below to listen to the conference plenary sessions.

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46th Annual Conference in New Orleans AFCC gets ready for the Big Easy!

Mark your calendar now for *AFCC's 46th Annual Conference, Children, Courts and Custody: Back to the Future or Full Steam Ahead?*, May 27-30, 2009 in New Orleans. The conference takes place at the Sheraton New Orleans, in the heart of the Big Easy and within walking distance to the French Quarter and Bourbon Street. Conference attendees will receive the special room rate of \$165 per night, single or double accommodations. If you have any questions on AFCC's 46th Annual Conference, please contact AFCC at afcc@afccnet.org or (608) 664-3750.

[Sheraton New Orleans Video Tour...](#)

RESEARCH UPDATE

Father Involvement is Greater When Encouraged by Mothers

Courtesy of J.M. Craig Press, Inc.

Most articles about maternal gatekeeping examine post-divorce



UPCOMING CONFERENCES

46th Annual Conference
Children, Courts and Custody: Back to the Future or Full Steam Ahead?
May 27-30, 2009
Sheraton New Orleans
New Orleans, Louisiana
[More Information \(PDF\)](#)

AFCC Regional Training Conference

November 5-7, 2009
Peppermill Resort
Reno, Nevada

AFCC Trainings

[Training Brochure \(PDF\)](#)

Parenting Coordination

Christine Coates, J.D.
December 8-9, 2008
Baltimore, Maryland

Fathers Parent Differently Than Mothers

co-parenting situations. This study examines intact families and followed them from before to after a child's birth.

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ASK THE EXPERTS

Ten Tips for Judges and Judicial Officers in Matters with Self-Represented Parties

by Hon. Emile Kruzick, Hon. David Aston, Hon. Peter Boshier and Hon. Hugh Starnes

Self-represented parties present a great challenge to judges and judicial officers and are growing in numbers throughout the world. This distinguished international (Canada, New Zealand and U.S.) panel of judges has compiled a list of tips to help the judiciary fairly and equitably treat clients who may be representing themselves and to guide them smoothly through the judicial process.

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FEATURED e-NEWSLETTER

The Judges' Page is an electronic newsletter produced, in collaboration, by NCJFCJ (National Council of Juvenile and Family Court Judges) and CASA (Court Appointed Special Advocates). Judge J. Dean Lewis, a former NCJFCJ President, is the editor of The Judge's Page. The newsletter focuses on permanency and other dependency court issues.

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FEATURED ARTICLES

Blended Families: Protecting Children The Second Time Around

by Dr. Lynne C. Halem, courtesy of Mediate.com

Prenuptial agreements are usually crafted to protect one's financial assets if the marriage should dissolve. When people marry for the second time, they often have children to consider. Prenuptial agreements can bring peace of mind to all parties in a subsequent marriage if they provide for all possible scenarios and how they want them to affect their children.

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Engaging and Empowering the "Non Professionals" as Participants in Child Protection Mediation

by Marilou Giovannucci, M.S.

"Non Professionals" is a term that has been used to describe the parents and relatives invited to participate in child protection mediation. Ms. Giovannucci makes the case that those individuals with "personal" rather than "workplace" involvement in these cases are extremely valuable and necessary and should not be diminished by using a term that conjures an impression of someone less important than the "professional." She continues to make her argument about how to engage and empower those with a personal interest in each case.

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Marsha Kline Pruett, Ph.D.

December 10-11, 2008
Baltimore, Maryland

Parenting Coordination

Robin M. Deutsch, Ph.D.

February 9-10, 2009
New Orleans, Louisiana

Attachment, Alienation and Access

Arnold Shienvold, Ph.D.

February 11-12, 2009
New Orleans, Louisiana

AFCC Chapters

New York Chapter Annual Conference

November 7, 2008
Association of the Bar of the City of New York
New York, New York
www.afccny.org

Arizona Chapter Annual Conference

January 30-February 1, 2009
Hilton Sedona Resort and Spa
Sedona, Arizona
www.azafcc.org

California Chapter Annual Conference

February 6-8, 2009
The Mark Hopkins Hotel
San Francisco, California
www.afcc-ca.org

Florida Chapter Annual Conference

February 27-28, 2009
Renaissance Hotel
Tampa, Florida
afccnet.org

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INTERNATIONAL NEWS

Married Couples Who Lose Their Jobs More Likely to Divorce

by Martin Beckford, courtesy of Telegraph.co.uk

Unemployment not only takes a financial toll, but can also take an emotional one.

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Cambodian Couple Cut Home in Half

Courtesy of BBC News

This couple sought their own solution to lengthy and costly divorces.

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DOMESTIC NEWS

Family Law attorneys adjusting divorce strategy for real estate market

by Jack Zemlicka, courtesy of Wisconsin Law Journal

The real estate market has definitely changed in recent times, and houses are not selling as quickly as they used to when a couple divorces and is trying to separate their assets. Click below to read how family attorneys are addressing this issue.

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FEATURED CASE

Frozen embryo case decided by the Oregon Court of Appeals

AFCC member Bill Howe successfully argued before the Oregon Court of Appeals that his client, the wife in a divorce, should be allowed to decide to have six frozen embryos either destroyed or donated to science rather than implanted in a surrogate as the husband wished. The parties had been married for four years, had one child by natural means, wished for another and engaged the fertility program at Oregon Health Science University when they could not conceive. They signed an agreement with OHSU, which the Court held allowed the wife to solely determine the disposition of the parties' six frozen embryos after they divorced two years later. Oregon is now the ninth state to rule on this issue. In every case the Courts have refused, using different legal theories, to force a party to become a parent against their will. Dahl and Angle was decided on October 8, 2008.

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Father Involvement Is Greater When Encouraged by Mothers

Courtesy of J.M. Craig Press, Inc.

Schoppe-Sullivan, S. J., Brown, G. L., Cannon, E.A., Mangelsdorf, S. C., and Sokolowski, M. S. [2008]. Maternal Gatekeeping, Coparenting Quality, and Fathering Behavior in Families with Infants. Journal of Family Psychology, 22, 389 – 398.

We have reviewed a number of articles regarding maternal gatekeeping [See Digests: 5, 1; 7, 1; 8, 2 and 9], but most of these studies examined post-divorce co-parenting situations. This study examined intact families and followed them from before to after a child's birth.

The authors studied 97 families recruited from the community. The couples had been married an average of 4 years, and 63% were having their first child. The vast majority were Caucasian. Eighty-seven percent of the mothers and 79% of the fathers had college degrees and were middle class.

The parents were assessed three months prior to a child's birth, and nearly four months after the child was born. Each parent was given a series of questionnaires regarding his or her attitudes about parenting and the father's role. At the follow up, the parents were given questionnaires regarding co-parenting, cooperation, and father involvement in child care. Then they were briefly observed interacting with their child.

The authors found that:

- Fathers were more involved and seen as more competent when they were encouraged by mothers.
- When fathers were encouraged, the quality of the co-parenting was viewed as higher by mothers.
- Father involvement and competence were both related to more progressive views of fathering on the part of both parents.
- When mothers were more critical and/or more traditional in their parenting values, fathers were less involved.
- When fathers were disinclined to become involved in co-parenting, mothers' encouragement contributed to their becoming more active.

The conclusion we draw from this article is that fathers' involvement and competence hinge on mothers' encouragement. That is, when mothers encourage fathers, the fathers are more likely to be more involved and become more competent. When mothers are not encouraging, both involvement and competence can be expected to be less.

Critical Analysis

While we have reviewed similar research in the past, there are three advantages to this study. First, the authors studied intact families. Second, the families were evaluated both prior to and after the birth of a child.

Third, the authors conducted behavioral observations that corroborated the result from the questionnaires. A shortcoming is that the families were followed for only three months after the child's birth. We hope that longer term follow-up studies will be published. Finally, 63% of the participants were first time parents, but the authors did not report when there were differences for those who already had children.

Recommendations

When custody disputes arise, parents are often inclined to criticize the other as a poor caregiver. We presume that both parents may have been competent caregivers and that such allegations arose as a result of the deteriorating parental relationship. Only careful assessment can make this determination; this is one place where collateral sources of information can be most helpful.

In some cases, custody disputes arise between parents who were never married or married only briefly. In such cases, parents may have had little or no opportunity to form co-parenting relationships and specifically for mothers to feel comfortable encouraging father involvement. As a result, mothers may accuse fathers of incompetence and noninvolvement in childrearing. While this may be true in some cases, observing fathers with their children will provide direct evidence to support or refute mothers' allegations.

For this as well as other valuable research visit J.M. Craig Press online at www.jmcraig.com or call (877) 960-1474. AFCC members receive a 25% discount on all J.M. Craig Products.

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Engaging and Empowering the “Non Professionals” as Participants in Child Protection Mediation

by Marilou Giovannucci, M.S.

Marilou Giovannucci is a Manager in the Connecticut Judicial Branch Court Operations Division. Marilou is a member of the Association of Family and Conciliation Court. She has provided consultation and training in the area of the use of mediation in child welfare cases for many years.

Who are the “Non-Professionals” and why do they need to be engaged and empowered to participate in mediation?

The term “non-professional” is often associated with parents—biological, foster and adoptive—and other relatives who are invited to participate in child protection mediation. The mere description of these individuals as “non-professional” conjures a picture of someone less important, less capable, not worthy of attention.

This article begins by suggesting that we redefine the use of the term “non-professional” participants as “personal” participants. There are individuals who are part of child protection cases whose interest is “personal” as opposed to those for whose involvement is “defined by their career in the workplace.”

The intent is not to place weight or importance on one group over another nor does it suggest that the distinction has any bearing on an individual's commitment to children and families. It is simply illustrative of the need to realign our thinking and actions relative to the foundations of engagement and empowerment in the context of child protection mediation. The value of engaging and empowering child protection mediation participants is at the center of the principles of the process.

We often define child protection mediation as a multi-party conflict resolution process that utilizes a specially trained neutral and impartial person to assist families, including foster/adoptive parents, other relatives and supportive persons, attorneys and child protective services agency representatives with complex and emotionally laden issues related to child abuse and neglect, custody, guardianship and adoption. The dispute most often originates when the state mandated body has brought litigation before the judiciary for reason of safety and well being of child(ren).

Participants can include parents and others with significant ties to the child or the family and who may have a role in the case, such as foster parents or other immediate or extended family members. Persons who can provide support or assistance at or after the mediation, such as service providers and advocates, and individuals who may have a cultural role, such as a tribal representative, may also attend.

Given the aforementioned definition of those individuals with a personal interest in a child protection case, the need for engagement and empowerment becomes clearer. The setting in which child protection cases exist is fraught with rules, policies, terminology, culture and idiosyncrasies that are at best foreign to those who do not work within the system. Add to it the involuntary /adversarial nature of involvement,

compromising conditions of poverty, unfamiliar language and culture, cognitive, emotional, physical problems and limitations, substance abuse and psychiatric disorders and fear of losing one's children often present in the individuals who are subject of these cases.

Child protection mediation has long been lauded as a significant strength of the conflict resolution process. There have been a multitude of studies that speak to the positive benefits of parents and others participating in mediation. Studies speak about the high level of satisfaction expressed by participants. Highlights include reports of feeling and being treated with respect and dignity, improved discussion of case issues, better understanding of other parties concerns, increased compliance with case plans and overall improvement in child permanency.

So how do we engage and empower parents and others to make their experience in mediation valuable to them and to other participants?

Here are some key basics to consider:

Connecting:

Assumptions should not be made about how parents find out about mediation and what they know about the process. In the hurried, fast paced environments that constitute child welfare agencies and courts, parents are most often left with limited time to speak to their attorneys, they may be apprehensive about conferring with a CPS worker and they may be intimidated by the case proceedings they attend, whether at the child welfare agency or the court.

It is therefore essential that someone, preferably not connected with the child welfare agency or the court case, contact the parents to begin the process of engagement. In various programs, a coordinator may take on this role. In others, it may be the mediator assigned to the case.

Making an initial contact to explain how a case found its way to mediation is a first step in assuring cooperation and participation. It is at this point where the parents can clarify what has happened in their case and how the case got referred to mediation.

Education:

Once the initial contact has been made, the next step is to help the parents understand what mediation is, what the mediator's role will be and how they fit into the mediation process.

Education about what is involved and expected in child protection mediation, while not limited to those with a personal interest in a case, is especially critical. Before any mediation session can take place, a thorough explanation of the process must be given. A thorough discussion of how the mediation will take place, any limitation on the process and who can and will participate is essential. It is important for the parent to have concerns about participation understood and acknowledged. In a sense, the education process serves to "normalize" the experience across the entire spectrum of participants, both "professional" and "personal."

Preparation:

Preparation refers both to the advanced work that must be done with the parents and ensuring that the mediator is prepared. Participant preparation includes allowing the parents to articulate any issues and concerns that they would like discussed at mediation. A neutral person can help the parents frame what they would like to say and what they would like to take away from the session. Parents should also be invited to identify other individuals who might serve as a resource or support for them in or after the mediation. A sense of ownership of the issues and possible outcomes in the process is accomplished through preparation.

The second aspect of preparation is mediator preparation. The mediator, after conferring with the parents should have a "game plan" for assuring that the parents can fully participate. Mediator training and experience improve the likelihood that a parent's participation will be a positive experience.

Accommodation:

Cultural/Ethnic differences, social norms and values, and other structural considerations, including power structure, communication styles, personal constraints such as cognitive, physical and mental health impairments, concern for one's safety and well-being are factors that must be known and

accommodated to allow for unimpeded participation by parents and others.

When information about these factors is gathered in advance by the program coordinator or mediators, it is more likely that a planned accommodation can be made. Failure to address these factors can result in a participant's not feeling heard and not being able to engage in the mediation in a manner that is satisfying to them. Controlling for or limiting the impact of these nuances promotes mutual respect and understanding.

Conclusion:

In summary, every effort should be made to de-mystify the mediation process, create a mutual understanding of motivation for participation, issues and desired outcomes, constraints and limitations. Parents and others should be made to feel that the mediation process belongs to them as much as anyone else and that they have control over their participation and the ultimate outcome of the case.

Endnotes

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"Everywhere we look, prices are increasing," said AFCC President Dr. Robin Deutsch. "Gas is up, groceries cost more, inflation is higher and so is the cost of doing business for AFCC. But we have experienced significant growth in the last few years, which has strengthened our financial health. The price freeze is AFCC's way of telling members that we appreciate their loyalty during these difficult times."

Dr. Deutsch noted that the freeze will extend to registration fees for conferences, training programs and pre-conference institutes as well as publication prices and membership dues. "We actually have not raised dues since 2001," she said, "but given the cost of doing business, we have been seriously considering a small increase. Discussions of any increase are now on hold until 2010." According to Dr. Deutsch, the freeze will not apply to non-member prices but the association will make every reasonable effort to hold the line there as well.



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Ten Tips for Judges and Judicial Officers in Matters with Self-Represented Parties

by Hon. Emile Kruzick, Hon. David Aston, Hon. Peter Boshier and Hon. Hugh Starnes

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1. Maintain Order

It is the role of the judge or judicial officer to control the courtroom and the proceeding. The judge should maintain that control with both the parties and the lawyer(s).

2. Inform of Rights of Parties

The judge or judicial officer should ensure that the self represented person is aware of his/her right to counsel. If the person wants to be represented by a lawyer the person should have reasonable opportunity to get legal advice or hire a lawyer.

3. Ensure Clarification

The judge or judicial officer should ensure the specific issues before the court are clarified and that the judge or judicial officer understands what the litigant is asking.

4. Understand the Role

The role of a judge or a judicial officer is as a judge and not that of counsel. However the judge or judicial officer should ensure, without educating the litigant, that the person understands that the procedural and evidentiary rules will be followed and that it is the obligation of the self represent to respect those rules and procedures.

5. Maintain Boundaries

The judge or judicial officer should not engage in conversation with the litigant or the lawyer(s). The judge should not engage in argument and should terminate any such disagreement dispassionately.

6. Exhibit Fairness

The judge or judicial officer should ensure that the person leaves the courtroom with the sense that he/she was dealt with fairly and had an opportunity to be heard.

7. Treat Both Sides Equally

The judge or judicial officer should be sensitive to the difficult position of counsel as well as the litigant, but treat both sides equally.

8. Be Cognizant of Emotions

The judge or judicial officer should be sensitive to tone, vocabulary and body language. Attempt to use questions rather than assertions in the dialogue with the self represented person.

9. Maintain Balance

It is important that the judge or judicial officer not say or do anything that reflects perception of familiarity with the lawyer on the other side.

10. Record if Possible

It is advisable to have a record of the exchange and therefore consider having everything recorded.

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