



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



January 2021  
VOL. 16 No. 1

## IN THIS ISSUE

- President's Message
- 58th Annual Conference
- Case-Blind Didactic Testimony
- March 2021 Training Program
- Awards Nominations
- Webinar Corner

### President's Message

Larry Fong, PhD

In Executive Director Peter Salem's message last month, he spoke about "silver linings." His poignant Silver Linings from 2020 highlights the resilience of AFCC staff, leadership, chapters, sponsors, presenters, collaborators, and membership. I could not agree more with these sentiments.

I am reminded of the movie Silver Linings Playbook, in which the psychiatrist Dr. Cliff Patel opines, "One incident can change a lifetime." [Read more.](#)



## Registration is Open for the AFCC 58th Annual Conference!

### When a Child Rejects a Parent: Are We Part of the Problem or the Solution?

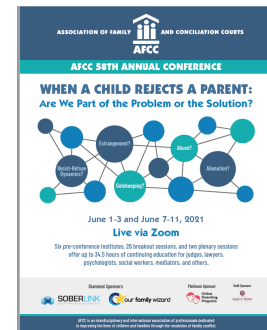
June 1-3 and June 7-11, 2021  
Live via Zoom

The conference will feature three full days of pre-conference institutes (June 1-3, 2021), followed by a week (June 7-11, 2021) of 26 breakout sessions, two plenary sessions, and

## AFCC 58th Annual Conference

June 1-3, 2021

June 7-11, 2021



Thank you to our annual conference sponsors!

### Diamond Sponsors



Platinum Sponsor

opportunities to connect with colleagues and presenters. Attendees can earn up to 34.5 hours of continuing education credit.

[Read the brochure](#) to learn about the sessions in store for you, including numerous on-demand sessions! Register now for the best rates!

[Register now!](#)

### Scholarships Are Available!

Thanks to the generosity of donors to the AFCC Scholarship Fund, AFCC will offer several scholarships to the 58th Annual Conference. Each scholarship includes conference registration, pre-conference institutes, and a certificate of attendance! [Apply now!](#)

### Exhibitor and Sponsorship Opportunities Available!

AFCC offers organizations the opportunity to reach attendees of the 58th Annual Conference. Sign up to exhibit or sponsor the conference to promote your products and service! [Learn more](#) and contact AFCC Communications Coordinator [Gina Wentling](#) with any questions.

## Case-Blind Didactic Testimony: An Elucidation

*David A. Martindale, PhD, ABPP*

January 2021 marks the 14th anniversary of the publication, in *Family Court Review*, of AFCC's *Model Standards of Practice for Child Custody Evaluation*. Work on the *Model Standards* was begun in October 2004. The Task Force developed eight drafts before the final document was submitted to, and approved by, AFCC's Board of Directors in May 2006.

In March 2019, a task force charged with reviewing and revising the *Model Standards* was assembled. My role as Reporter for the *Model Standards* earned me a seat at the Revision Task Force table. [Read more.](#)

## Sign Up Today for AFCC's New Online Training Course on Child Custody Evaluations!

### The Fundamentals of Conducting Child Custody Evaluations

*March 16-18 and March 22-24, 2021*

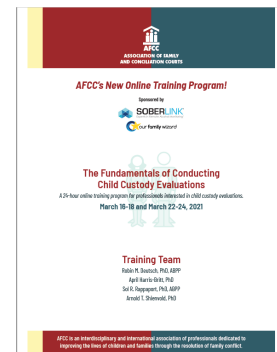
This 24-hour online training program for professionals interested in child custody evaluations (CCE) offers participants the opportunity to learn from an experienced team of trainers. The program will take place in two segments per day, two hours each. Topics include the CCE process, psychological testing, parenting plans, research, and cultural



## The Fundamentals of Conducting Child Custody Evaluations

*March 16-18, 2021*

*March 22-24, 2021*



## AFCC Chapter Conferences

### New York Chapter Annual Conference

January 22, 2021  
Being held virtually

### California Chapter Annual Conference

February 1-28, 2021  
Being held virtually

### Alberta Chapter Annual Conference

March 19, 2021  
Being held virtually

### Ohio Chapter Annual Conference

April 7, 2021  
Being held virtually

### Australia Chapter Annual Conference

July 2-4, 2021  
South Brisbane, QLD

## Resource of the Month

[We'll Be Back\\*](#)

and diversity considerations. [Read the brochure](#) for complete details.

**The training team includes:**

Robin Deutsch, PhD, ABPP  
April Harris-Britt, PhD  
Sol Rappaport, PhD, ABPP  
Arnold Shienvold, PhD

[Register now!](#)

In case you missed it: Judge Dianna Gould-Saltman channeled King George III to deliver a message at the 14th Symposium on Child Custody. [Enjoy!](#)

\*With apologies to Lin-Manuel Miranda, creator of Broadway's *Hamilton*

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## Nominate a Colleague for an AFCC Award

AFCC presents several awards each year to acknowledge the many important contributions made by individuals and organizations to enhance the lives of children and families. Your nominations help recognize these accomplishments.

Please consider nominating a colleague for one of the following awards, to be presented at the AFCC 58th Annual Conference. Nominations must be submitted online and will be accepted through **March 26, 2021**.

- **John E. VanDuzer Distinguished Service Award** recognizes outstanding contributions and/or achievements by AFCC members. Last year's recipient was Marsha Kline Pruett, PhD, ABPP.
- **Stanley Cohen Distinguished Research Award**, sponsored by the Oregon Family Institute, recognizes outstanding research and/or research achievements in the field of family and divorce. Last year's recipient was Nancy Ver Steegh, MSW, JD.
- **Irwin Cantor Innovative Program Award** recognizes innovation in court-connected or court-related programs created by AFCC members. Last year's recipient was Family Law Limited Scope Services Project.

[AFCC Awards](#)

## Your Donation to the Scholarship Fund Provides Opportunities

Many of your colleagues, who are also dedicated to improving the lives of children and families through the resolution of family conflict, have never had the opportunity to attend an AFCC conference. The Scholarship Committee hopes to make AFCC conference attendance possible for more professionals, and they need your help.

Please consider donating to the AFCC Scholarship Fund to invest in professionals like you as they grow in their careers and bring new skills back to their communities. [Read this year's letter](#) from Scholarship Committee Chair Mary Ferriter and AFCC Executive Director Peter Salem to better understand how your donation supports others. Please contribute to the Scholarship Fund if you can. We all appreciate your generosity!

[Donate now!](#)

## AFCC Webinar Corner

**Special Flash Webinar Coming Next Week!**

## Claims and Counterclaims in Parental Alienation Research: What's a Family Court Professional to Do?

Robin Deutsch, PhD | Dr. Peter Jaffe | Michael Saini, PhD  
January 26, 2021 | 4:00pm-5:30pm Eastern Time US/Canada  
Registration closes on January 25, 2021 at 9:00am Eastern Time US/Canada

Recent research conducted by Professor Joan Meier (2019), and Drs. Jennifer Harmon and Demosthenes Lorandos (2020) appears to be based on the same data but comes to diametrically opposite conclusions about the impact of allegations of parental alienation on court decisions. This AFCC webinar will offer a look at these studies from the perspective of a co-founder of an intensive intervention, an advocate and expert in intimate partner violence, and a researcher who has studied this issue extensively. The presenters will examine the practical, methodological, and ideological issues related to cases with resist-refuse dynamics and the studies specifically.

### 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.](#)

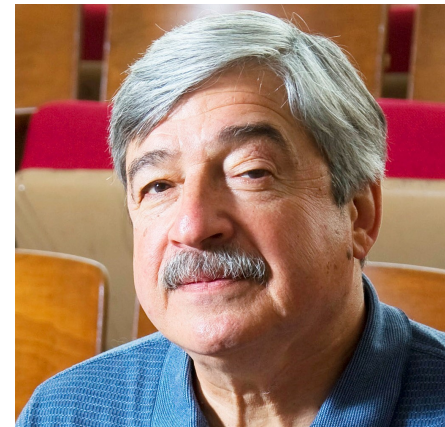
[Register now!](#)

## Children Killed in the Context of Domestic Violence: Lessons Learned from Tragedies

Dr. Peter Jaffe  
February 12, 2021 | 1:00-2:00pm Eastern Time US/Canada  
Registration closes on February 11, 2021 at 9:00am Eastern Time US/Canada.

This presentation outlines the often-repeated lessons learned from these tragedies that include the need for enhanced professional and public education to save children's lives. Future directions are discussed in terms of the need for better risk assessment, safety planning and risk management by legal and mental health professionals with a special focus on child custody and parenting disputes.

**Dr. Peter Jaffe** is a psychologist and Professor in the Faculty of Education at Western University. He is the Director Emeritus for the London Family Court Clinic. Dr. Jaffe was a founding member of Ontario's Chief Coroner's Domestic Violence Death Review Committee.



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[Register today!](#)

Stay tuned for March's webinar

## A Primer in Child Development for the Family Law Professional

Robert A. Simon, PhD



## Chapter News

**Shelby Brandsma**, AFCC member from Juneau, Wisconsin, is the new president of the Wisconsin Chapter of AFCC. For 25 years, Shelby has worked with children and families in child protection, juvenile justice, and family court. Since 2012, she has served as director of Dodge County Family Court Services, which provides parental education, mediation, and custody evaluation services for parents with custody and placement disputes. When not at court, Shelby is focused on her private clinical practice providing assessment and treatment for individuals, couples, and families. Shelby holds an MSW degree from the University of Wisconsin – Madison School of Social Work and a Master level certification in Trauma Counseling from University of Wisconsin – Milwaukee. Shelby has been a therapeutic mentor with adolescents through Family Youth Interactive. Congratulations, Shelby!



## Member News

**Phil Epstein**, AFCC member from Toronto, Ontario, has been appointed as a Member of the Order of Canada, for his leadership in Canadian family law and for pioneering programs in dispute resolution now emulated across the country. The Order of Canada is one of the country's highest civilian honors. Phil's practice is dedicated to mediation, arbitration, and appellate advocacy. He is the former Chair of the Family Law Section of the Ontario Bar Admission Course, a former Bencher of the Law Society of Upper Canada, and a former Chair of the Family Law Section of the Ontario Bar Association. Congratulations, Phil!



**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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I am reminded of the movie *Silver Linings Playbook*, in which the psychiatrist Dr. Cliff Patel opines, "One incident can change a lifetime." How true this is. Everything has changed. What silver linings might have occurred for us this past year? There are many.

- We found small ways to celebrate that we might have otherwise forgotten. Little things became much larger when we took the time to enjoy them.
- We figured out how (and some even bought appliances) to bake and cook.
- We figured out the internet and we shopped in a different way.
- We understood WebEx, Zoom, or Microsoft Teams as a primary means of communication.
- We bought new electronic items to communicate virtually.
- We understood words such as spiritualism, gratitude, and mindfulness even more.
- We exercised wherever and however we could.
- We took courses on self-improvement.
- Hobbies became passions.
- Pets became more integral to our families.
- As professionals, we changed our procedures and used virtual means of assisting our clients.
- The courts made changes in the way in which matters are addressed.
- We re-thought what it means to help clients change and we encouraged client change as a means of self-help.
- Scientists and pharmaceutical companies worldwide communicated at an unprecedented pace to bring forth the vaccines necessary for our safety.

In a large study in New Zealand from Every-Palmer et al. in 2020, many of the participants identified positive aspects of the lockdown. Common themes were that family time was

important, work flexibility was common, people took the opportunity to reflect, pause, recreate health habits, consider priorities, and appreciated environmental benefits by reduced travel.

I am excited about the changes we will see in 2021 and look forward to building on the silver linings of 2020. Our 58<sup>th</sup> Annual Conference, like the previous in 2020, will be delivered in a virtual format. Our many committees and task forces will continue their work meeting virtually. The Board and Executive Committee will fashion the transition to the new 2021 Board. Our Chapters will continue with their plans for virtual trainings. Peter and others will continue to collaborate with outside organizations, working hand in hand to bring forth change in our area.

We expect that our conferences in the fall will meet the demand of our increasing membership. Our AFCC-AAML conference in September 2021 is in the planning stages and at this time we are thinking it will take place in-person, so we'll see you in Washington, DC! Our Cincinnati fall conference in November 2021 also eagerly awaits your attendance. AFCC has now booked conferences through 2025 in Chicago, Las Vegas, Los Angeles, Boston, and New Orleans.

Despite an unprecedented pandemic, we have persevered, moved forward, made progress, increased membership (nearly 500 members from the prior fiscal year!), and our virtual learning programs met with worldwide attention. All of this is a true testament to AFCC's success and continuing development for its membership. This resilience that AFCC exemplifies places this organization at the very top of other not-for-profit groups. We continue to be a leader in our field.

I eagerly look forward to the time, soon, whereupon the new and old "normal" meet and we become even stronger. I cannot wait to share stories of our resilience and our successes at upcoming conferences, or virtually for those who cannot meet face-to-face.

What is your silver lining for 2020? Take the time to share it with one another so that we can all be a part of this exciting time together.



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## Case-Blind Didactic Testimony: An Elucidation

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In March 2019, a task force charged with reviewing and revising the Model Standards was assembled. My role as Reporter for the *Model Standards* earned me a seat at the Revision Task Force table. As this column is being written, the Task Force members are completing a homework assignment. Working independently, each of us is examining the *Model Standards* section by section, and will be submitting suggestions for deletions of, modifications of, and additions to, each of the sections.

In completing my homework, I am experiencing on a visceral level a cognitive dynamic with which all readers of this column are presumably familiar: The reexamination of positions taken previously, is an arduous task. My systematic review of the *Model Standards* was disrupted when I got to the section that addresses the inclusion in evaluators' reports of "pertinent peer-reviewed published research [4.6(b)].

"In recent years, increasing attention has been given to social science research in family law. . . ." Those are the opening words of AFCC's *Guidelines for the Use of Social Science Research in Family Law* – guidelines intended "to promote critical thinking about effective, responsible, and ethical use of social science research in family law–related education, practices, programs, and policy making."

In a manner somewhat akin to free association, I was led to contemplate the manner in which I have offered what I refer to as *case-blind didactic testimony*, and, specifically, to reexamine my decision to use that term in describing what many others have referred to as *social framework testimony*.



In May 1989, I was contacted by an attorney who was representing an indigent client. A colleague of the attorney had given him the print material distributed by me in conjunction with a presentation on evaluation methodology in the performance of child custody evaluations. Included in that material were my customary criticisms of the use of unreliable assessment methods. I had made specific reference to the House-Tree-Person test.

A mental health professional employed by the court had made a recommendation in a litigated custody case, and had stated that her recommendation was based on the manner in which a parent had drawn a tree. The attorney's request was simple. He wished me to explain to the court why evaluators' recommendations regarding matters of custody and access should not be based on interpretations of litigants' drawings.

New York law required that the attorney disclose "the subject matter on which [I would] testify, [and] the substance of the facts and opinions on which [I would] Testify." I proposed that he inform the court that I would not address any of the facts in dispute, and that I would be offering "social framework testimony." My decision was based on my belief that the court would be familiar with testimony by researchers such as Elizabeth Loftus, which was generally referred to as "social framework testimony."

Writing with John Palmer in 1974, and with Guido Zanni in 1975, Loftus had brought to public attention the many problems associated with eyewitness testimony. John Monahan & Laurens Walker, writing in the University of Pennsylvania Law Review (in 1986), in the Virginia Law Review (in 1987), and in the American Psychologist (in 1987), had brought social framework testimony to the attention of attorneys, judges, and forensic mental health professionals.

For these reasons, as voir dire began, I anticipated that the court would be familiar with social framework testimony. I was mistaken. The judge requested that I explain my anticipated testimony in different terms. The words "case-blind didactic testimony" came to mind, and were spoken with some hesitancy. Elucidation was requested.

Retrospective examinations of what has been said during testimony often begins within moments of leaving the stand. Though the judge had expressed approval of the manner in which I had described my testimony, it became clear to me that having described myself as "blind" to the facts of the case was an overstatement. I was aware that the evaluator's stated decision to rely on an assessment method known not to be reliable was a fact of importance.

An interest in descriptive accuracy in professional terminology led me to wonder whether I would jettison the term "case-blind" or use it again under similar circumstances. The term describes an aspiration, not an attainable goal. When testimony of this type is to be offered, the less that is known by testifying experts concerning the specific litigated issues to which the didactic testimony will be applied, the lower the risk that retained experts will be influenced by that knowledge, and will inadvertently tailor their testimony to most effectively address the litigated facts. I decided that a term that focuses attention on a desired objective had value.

Research of the type typically presented by experts offering case-blind didactic testimony was nicely described by the words "'off the rack' research," by Walker and Monahan, in 1987. It is research that has been conducted, and descriptions of which have been published, before the litigation in which it is being described. It is noteworthy, however, that, in describing social framework testimony, Monahan and Walker state that the research described in such testimony *can be* research that has been undertaken for use in a specific case. It is primarily for this reason that I believe it to be useful to differentiate social framework testimony from case-blind didactic testimony. In the context of our adversarial system, when 'off-the-rack research' is described in an expert's testimony, the quality-of-fit issue becomes a matter to be addressed in oral arguments by the litigating attorneys.

In the context of litigation regarding parenting plans, a short list of topics concerning which case-blind didactic testimony might be offered would include distinctions between clinical interviewing and forensic interviewing; child forensic interviewing; alienation dynamics; the reliability and validity of different assessment methods; and, factors to be considered in relocation cases.

Though I view case-blind didactic testimony as potentially quite useful, an inescapable deficiency must be addressed. Respected researchers – among them, Kahneman and Tversky – have demonstrated that concrete information is valued more than abstract information (such as information about base rates). Roughly translated, this finding suggests that what the inquisitive judge presiding over a litigated custody/access case would really like to know is: "How does the information you're providing apply to *these* parents and *these* children, in *this* case?" It's unlikely that the question will be asked, and if such an inquiry were to be made, the expert providing case-blind didactic testimony would be unable to provide the answers sought.