

The Challenge of Diminishing Resources in Family Law: A Clear and Present Danger to Our Children

PRE-CONFERENCE INSTITUTES

Friday, February 12, 2010

1:00pm – 5:15pm

***11 How Gender Issues Affect the Assessment and Treatment of Domestic Violence**

Some researchers have suggested that domestic violence is an even-playing field. This gets played out in custody cases by evaluators and the court saying it is a “he said”, “she said” case and not recognizing information that points to domestic violence. In this Institute, internationally known speaker Alyce Laviolette will review and critique research and present information about gender and domestic violence that will help with assessment and with treatment. The program, done in a lively, interactive format will include differences in how women and men respond to violence and victimization, the differences between violence and aggression, vicarious trauma, and why partners stay in relationships. Paula Cohen will provide the update on legislation and case law on domestic violence and the viewpoint of a legal aid attorney representing victims of domestic violence.

Presenters: Alyce La Violette, MS, MFCC; Paula Cohen, Esq.

I2 Attachment: Implications for Alienation, Abuse, and Relocation Cases

Both long standing and more recent research in the area of Attachment Theory resonate with the issues faced by family law courts and those who work with families with young children. Particularly in the areas of child alienation, child abuse, and relocation, we see the understanding of the attachment relationships between the child and the parents as centrally important in understanding the dynamics of the family and providing the most relevant and reliable information to the court, to the attorneys, and to the parents. In this institute, we will describe the research related to the long term impacts of having secure, insecure or disorganized attachments. We will describe ways to evaluate the child’s attachment system and to consider the parent’s internalized adult attachment system as well as the parent’s caregiving capacities. We will look at three difficult areas frequently encountered in Child Custody disputes: alienation, child abuse and relocation, through the lens of attachment. We will assume participants have a basic understanding of the concept of attachment, and will provide only a brief review of the definitions, etc.

Presenters: Leslie Drozd, Ph.D.; Margaret Lee, Ph.D.; Nancy Oelsen, Ph.D.

I3 Basic Training for Minor’s Counsel

Under the new rules of court, Rules 5.240 et seq., in order to be eligible to be appointed as counsel for a child in a family law proceeding, attorneys must complete at least 12 hours of education and training before first appointment and then 8 hours each calendar year thereafter. This training is intended to fulfill four of those hours and is targeted especially at new minor’s counsel who are trying to acquire the initial 12 hours of education and training. This training will present an overview of the statutes, rules of court and case law relating to child custody and visitation litigation; representation of a child in those proceedings; and special issues in representing a child, including: various stages of child development, communicating with a child and presenting the child’s view, recognizing, evaluating, and understanding evidence of child abuse and neglect, family

violence and substance abuse, cultural and ethnic diversity, and gender-specific issues, the effects of domestic violence and child abuse and neglect on children, and how to work effectively with multidisciplinary experts.

Presenters: Sandra Etue, Esq.; William Spiller, Esq.



CONFERENCE SCHEDULE

Friday, February 12, 2010

11:00am – 1:00pm	Pre-Conference Registration Ballroom Foyer
1:00pm – 6:00pm	Book Table & Exhibitor Forum Ballroom Foyer
1:00pm – 5:15pm	Institutes (1-3)
4:00pm – 6:00pm	Conference Registration Ballroom Foyer
6:00pm – 6:15pm	Welcome & Joseph Drown Award
6:15pm – 7:45pm	Opening Plenary Ballroom

WELCOME

By Hon. Marjorie Steinberg, Supervising Judge Los Angeles Superior Court Family Law Department, and Sherrie Kibler-Sanchez, President AFCC California Chapter.

OPENING PLENARY

P1 Innovative Dispute Resolution in Uncertain Financial Times

This plenary will address how the recent financial crisis has taken a psychological toll on families going through separation and divorce and the way professionals can use innovative dispute resolution processes to help them. Mary Lund will discuss how the recession may affect families and the added psychological stresses cash-strapped parents face if they go on to divorce. Forrest Mosten will apply his noted blend of innovative legal access combined with consumerism to address this problem. The courts have fewer resources to deal with separating and divorcing parties, and the parties have even less money to pay for traditional professional services outside of court. Forrest Mosten will examine the history of court-mandated mediation and discuss how current financial and political forces reduce the courts’ ability to help divorcing families. They will also discuss the symbiosis between the courts and legal and mental health professionals in the private sector in dealing with this crisis. The plenary will conclude with Mosten’s agenda for applying the innovations of unbundled legal services, interdisciplinary collaborative practice, and professional peacemaking and the psychological benefits to families.

Presenters: Mary Lund, Ph.D.; Forrest Mosten, Esq.

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7:45pm – 9:00pm **Welcome Reception & Silent Auction**
Pool Side

9:00pm – midnight **Networking**
Lobby Lounge



CONFERENCE SCHEDULE

Saturday, February 13, 2010

7:30am – 8:30am **Registration**
Ballroom Foyer

7:30am – 8:30am **Continental Breakfast**
Ballroom Foyer

7:30am – 5:00pm **Book Table & Exhibitor Forum**
Ballroom Foyer

8:30am–10:00am **Plenary**
Ballroom

PLENARY

P2 Nurturing Fathers: Fathers Do Not Mother

Presenter: Kyle Pruett, M.D.

Parenting Plans for Very Young Children

Presenter: Marsha Kline Pruett, Ph.D., M.S.L.

Separation and divorce create challenges in most families, and fathers often face particular challenges. The first two keynotes of the program by internationally known researchers and experts on child development Kyle Pruett and Marsha Kline Pruett will examine the role fathers play after separation and divorce. Topics will include how fathers parent differently than mothers, the challenges men face in staying involved in their children's lives, and what the latest research says about overnights. Kyle Pruett, author of *The Nurturing Father*, has conducted a landmark study which demonstrated the powerful, positive impact which early caregiving by fathers can have on a young child's social and intellectual development. Marsha Pruett, coauthor of *Your Divorce Advisor* is noted for her research regarding child adjustment to divorce and has done one of the few empirical studies on how young children adjust to overnights in both parents' homes

10:00am – 10:15am **Coffee Break**

10:15am – 11:45am **Morning Workshops (1-4)**

WORKSHOPS (1-4)

W1 Overcoming Barriers Family Camp (OBFC): A Program for High-Conflict Divorced Families Where a Child is Resisting Contact with a Parent

This workshop will focus on the Overcoming Barriers 5-day residential program for high conflict, divorced families. This

innovative and intensive program has been conducted in Vermont and has served 10 families in the last two summer sessions. The presentation will take you through all crucial aspects of this new model, which integrates a rich camp experience with psycho-educational groups for parents and children and co-parenting work throughout the camp duration. Program evaluation by the participants and follow-up data from the 2009 camp will be presented and discussed.

Presenter: Matthew Sullivan, Ph.D.

W2 The Custody Lawyer/Mediator/Evaluator as Storyteller: Shaping Narratives to Help Decision Makers Craft Individualized Parenting Plans

Skilled storytellers organize complex facts into an interesting and coherent narrative that helps decision makers develop a practical parenting plan. Humans understand the world through storytelling. Custody professionals (lawyers, mediators, and evaluators) tell the stories that decision makers (parents and judges) use to craft a parenting plan. Effective custody narratives present the facts decision makers need to craft a parenting plan for a specific family, and help frame a new paradigm for the family's changing relationships. Lawyers tell custody stories in negotiations, declarations, and testimony. Mediators have developed models of narrative mediation. Custody evaluators paint word portraits of families in their reports and testimony. This workshop will take a multidisciplinary look at the powerful role of narrative, and teaches child custody professionals how to use the SUCCESS (Simple, Unexpected, Concrete, Credible, Emotional, Stories) principles to become better storytellers.

Presenters: Diane Goodman, JD; Leslie Ellen Shear, JD, CFLS

W3 Between Psychologist and Attorney: Issues in Objective Review of Child Custody Evaluations

Objective, empirically-based review/critique of child custody evaluations plays an increasingly important role in child custody litigation. This program will discuss key issues in the field (for example, the one vs. two consultant models), some of the ethical issues involved in doing reviews, evidentiary issues as they apply to review work and will focus on creating a better understanding of what attorneys need from reviewers and what reviewers can offer to attorneys.

Presenters: Erik Jenkins, Esq.; Robert A. Simon, Ph.D.

W4 Coordination Among Family Law Professionals: New Trends to Meet Increasing Challenges

This panel will identify emerging trends for the varied disciplines of family law professionals trying to help separating and divorcing families with fewer resources to do it. The disciplines discussed include family law attorneys representing parents, minor's counsel, mediators, psychotherapists, custody evaluators and monitors. The overall trend is to understand the large system the separating or divorcing family moves through and how professional coordination helps identify specific needs and resources to meet needs. Examples of strategies are minor's counsel consulting with mental health profession to identify essential services and public resources for poorer clients and clients who cannot afford private mental health services, and mediators consulting with other professionals on strategies to prevent escalation of conflict. Consultation and coordination may keep the professional system from breaking down and families falling through the cracks.

Presenters: Carol Hirshfeld, Ph.D.; Karin Manger, LCSW; Diana Mercer, Esq.; Amy Neiman, Esq.

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12:00pm – 12:30pm **Luncheon**
Ballroom

12:30pm – 2:00pm **Plenary**
Ballroom

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P3 Innovations in Service Delivery: New Models for New Times

Connecticut implemented a new Civil Intake Screen as part of their strategic plan that aims to create an efficient and clinically sensitive method to maximize the quality and efficiency of the family court process, and outcomes for families. The screen acts as a triage to optimize the level of services allocated to each case. This keynote will describe the purpose of the Screen and an evaluation focusing on its efficacy and cost-effectiveness.

Presenter: Marsha Kline Pruett, Ph.D., M.S.L

Redefining the Need for Family Court Resources as an Urgent Public Health Issue

The resolution adopted by the California Chapter declares that there is a clear a present danger to the public health of the children of California mandating that the mental health community, the legal community and all stakeholders in the family court system recognize that the impact of family court upon children is not simply a matter of court resources allocated to the third branch of government based on the exigencies of available state resources to fund trial courts. Given that approximately half the children born in no-fault divorce jurisdictions since 1970 have some interface with the family court, and taking into account that nearly 1 in 3 children are born outside of marriage, and considering that many children interface with the family court through domestic violence proceedings, nearly one half of two generations of children are affected by the resources and services provided to them and their parents through the family court. In an environment of constricting resources available to courts, there is an urgent need for reframing the issue as a public health crisis, and then enlisting all the relevant stakeholders in an effort to increase the resources for the family court to cope with this public health issue. The presentation will urge broad-based community support for this effort to redefine the problem, but demonstrate how strategies for engaging the other stakeholders in the process of redefinition and acquisition of necessary services in an interactive session.

Presenter: Honorable Thomas Trent Lewis

2:00pm – 2:30pm **Coffee & Dessert Break**
Ballroom Foyer

2:30pm – 4:30pm **Afternoon Workshops (5-8)**

WORKSHOPS (5-8)

*W5A View From the Frontier: Current Issues in the Litigation of Domestic Violence Issues in the Family Law Context

Commissioner Scott Gordon brings his 16 years experience with the Los Angeles County District Attorney's Office, including the Special Investigations and the Stalking and Threat Assessment

Team to this presentation. This presentation will examine some of the current issues affecting the litigation of family law cases that present issues of domestic violence. Some of the topics to be covered include: recent changes in the law, new legislation, the impact of the current economic crisis on these cases and lethality assessment.

Presenter: Commissioner Scott Gordon

W6 Parenting Shadow: Innovative Intervention for Troubled Parents in Difficult Custody Situations

A "Parenting Shadow" is a mental health professional who works in the home in litigious custody cases in which one of the parent's abilities to function appropriately with his/her children is being questioned. Often, the parent in question has serious individual and parenting issues. In this scenario, a Parenting Shadow is in the home for extended periods of time working in conjunction with both the parent individually and together with the children to help work through various issues. Ideally over time, a healthier environment is created so that the goal of 50/50 custody can be achieved. Another scenario involves suspicions that the person being shadowed has serious problems parenting, but these suspicions ultimately are unfounded and the issue is often parent alienation. In this situation, the role of the Shadow becomes as an in vivo reunification therapist. This panel will include Parenting Shadow and Psychotherapist, Karen Horwitz, MFT, Dr. Jane Shatz, PhD who will discuss the usefulness of a Parenting Shadow as a Special Master/Parenting Plan Coordinator, and Dr. Carl Hoppe, PhD who will speak from the perspective of a custody evaluator, and attorney Judith Forman.

Presenters: Judith Forman, Esq.; Carl Hoppe, Ph.D.;
Karen Horwitz, MA, MFT; Jane Ellen Shatz, Ph.D.

W7 Being All You Can Be, Maintaining Professional Integrity in the Face of Vigorous Cross Examination

The climate of Family Court litigation has grown more and more aggressive over time. Some lawyers who are litigating evaluations or are fighting evaluation recommendations are more frequently attacking the evaluator personally. Attorneys are also aggressively and often viciously attacking the evaluation process, data collection, data analysis, or the connection between data and outcome. Evaluators need to know defending their work is not as simple as preparing for testimony. This workshop is not meant to be a beginning workshop on the basics of how to testify. This course will focus on conducting the evaluation and developing evaluation practice procedures to follow to be able to withstand these types of aggressive tactics. We will also discuss effective questioning for attorneys so they can achieve their goals without alienating the Court, the evaluator, or other attorneys.

Presenters: Rhonda B. Barovsky, LCSW;
Honorable Judith Craddick; Daniel S. Harkins, Esq.

W8 When a Parent Dies: Legal and Psychological Issues That May Arise

When a parent dies in an intact family, the usual course is that the surviving parent simply assumes full custody, and life goes on. Even then, however, issues may arise as to grandparent visitation for the deceased spouse's parents and relatives. Of course, children will always be impacted emotionally/psychologically by the death of a parent, and the child(ren)'s grief needs to be addressed in age appropriate ways. Sometimes, especially in

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the case of divorce or parentage cases, third parties may make claims to custody of the children. A variety of legal proceedings can ensue in which third parties, such as grandparents, may be pitted against the surviving parent in family or probate court. As with any conflict concerning custody, such proceedings may create additional stress on already grieving children. This panel will explore the various issues and proceedings that can occur when third parties assert custodial claims and will also explore the emotional/psychological impacts on the children and suggested intervention strategies.

Presenters: Lynette Berg Robe, Esq.; Honorable Wendy L. Kohn; Commissioner Reva G. Goetz; Angus Strachan, Ph.D.

4:45pm – 5:15pm	General Membership Meeting with Membership Reception to follow Ballroom
7:00pm	Los Angeles Dine-Around
9:00pm	Networking Lobby Lounge



CONFERENCE SCHEDULE

Sunday, February 14, 2010

7:30am – 8:30am	Continental Breakfast Ballroom Foyer
8:30am–10:30am	Plenary Ballroom

PLENARY

P4 In the Eye of the Storm: Minor's Counsel Gives Voice to the Child

Recent studies have shown the importance to children of being heard in dissolution of marriage or other child custody proceedings. Although children do not necessarily want to make the decisions, studies have shown that some children need to express their feelings and thoughts about the conflict and the effect of the break up of the family on them. Through a series of questions and answers the panelists will discuss how children's information can be raised and considered from their various professional perspectives. Issues will include techniques for interviewing children, effective use of minor's counsel, and limitations of that role.

Presenters: Albert Gibbs, Ph.D.; Dianna Gould-Saltman, JD, CFLS; Honorable Amy Pellman; Elise Greenberg, Esq.

10:30am – 10:45am	Coffee & Cookie Break Ballroom Foyer
10:45am – 12:45pm	Morning Workshops (9-12)

WORKSHOPS (9-12)

*W9 What to Do When There are Both – Substance Abuse and Domestic Violence in a Child Custody Case

A significant number of cases with substance abuse as an issue also involve some component of family violence – either presently or in the family of origin of the parents. This becomes particularly complicated when these issues are present in a child custody case. The workshop will begin with a discussion of the types of trauma, signs and symptoms, as well as prevalence rates of trauma and PTSD within substance abusing patient populations will be identified. This will be followed by a discussion of the phases of treatment following disclosure of a trauma history, various interventions from theoretical frames and clinical considerations in working with substance abusing patients with childhood and/or adult trauma as it relates to recovery status and potential impact on stability of recovery. Several treatment approaches will be discussed including the use of self-help groups, cognitive behavioral approaches to treatment and recovery, the use of Motivational Interviewing, and family therapy. Ultimately the question of *What to do when there are both?* will be answered.

Presenters: Steven Bucky, Ph.D.; Leslie Drozd, Ph.D.

W10 The Child Said What? Understanding and Interpreting Children's Data

This program is designed to follow the minor's counsel plenary and will provide a closer look at the complications of eliciting, understanding and correctly interpreting children's dialogue. Our interdisciplinary panel will discuss a variety of issues and experiences that can impact children's statements, ranging from external influences to the child's own moods and developmental issues. Professionals must be alert to contaminating influences and other issues that may provide context to the child's initial statements, or to the child's conflicting feelings. We will also focus on the appropriate use of psychological research and professional information, including: (1) appropriate application of psychological research; (2) critical evaluation of interviews; (3) appropriate use of mental health expertise; (4), the complex, difficult or contaminated interview; and (5) recognizing when a limited or narrowly focused interview is unlikely to aid an accurate understanding of the child. The delicacies of weighing children's direct answers against conflicting evidence will also be discussed.

Presenters: Dianna Gould-Saltman, JD, CFLS; Lyn R. Greenberg, Ph.D.

W11 Why Should Attorneys Bring in a Mental Health Professional into a Family Law Case?

In this workshop, we present an overview of the benefits to family law attorneys of utilizing mental health professionals in litigated and non-litigated cases. We will address such topics as the interplay of substance abuse, domestic violence and restraining orders with custody and visitation; the creation of parenting plans for special needs children; the value and drawbacks of a safe-harbor stipulation for child therapy; parent/child reunification issues; educating the divorcing spouses in communication techniques necessary to accomplishing the tasks of divorce; preparing the divorced family for a relocation; and helping the lawyers strategize by providing a psychological perspective. It is

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our intention that the program be both educational and interactive. We are reaching out beyond collaborative and mediating attorneys and inviting litigators to explore ways in which working with mental health professionals would be beneficial to them.

Presenters: Stephen Gershman, CFLS; Linda Gross, Esq.;
Renee Leff, MFT, JD; Lynn Rosenfeild, LCSW

W12 Dealing with Difficult Parents

Working with separating and divorcing parents can be especially challenging when parents behave in ways that undermine cooperative co-parenting partnerships and that defy professional guidance. Parents exhibit a wide range of difficult behaviors, such as: undermining the relationship with the other parent, poor emotion regulation, constant litigation, lack of compliance with court orders, poor boundaries, among others. This multi-disciplinary panel of a family court judge, minors' counsel, family court mediator/evaluator and a private psychotherapist will discuss the more difficult situations presented in their work with parents. There will also be discussion of techniques to manage these situations and to deal with these difficult parents in ways that might reduce stress and better address the best interests of the children. The panel will also address the professionals' roles and how we react, respond and behave in complex situations, and how to make good choices about our own behavior and boundary setting.

Presenters: Honorable Mark Juhas; Anne Lintott, MFT;
Amy Neiman, Esq.; Tamar Springer, L.C.S.W.

1:00pm – 4:00pm **AFCC-CA Board Meeting**