

NW FAMILY TIES



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Make Plans Now for the Fifth Annual WA AFCC Conference

Saturday

March 7th, 2015

Shared Parenting Predicaments

Meet and Greet Social Hour and
Fund Raising Event to follow immediately
after conference at 5:00 p.m

Contact Us by Email to

Ensure You Receive Conference
Materials

info@wa-afcc.net



Up to 6 hours CLE and CE
(program under review for
WSBA and NASW)

Sessions in the program are under review
by the AFCC organization for continuing
education credit. The AFCC parent
organization is approved by the American
Psychological Association to sponsor
continuing education for psychologists.
AFCC maintains responsibility for this
program and its content

FIFTH ANNUAL CONFERENCE PLANS UNDERWAY— MARK YOUR CALENDER

We have an exciting line-up of speakers for our 5th Annual WA AFCC Conference to be held on **Saturday, March 7th, 2015** at the Washington Athletic Club in Seattle.

Shared Parenting Predicaments:

Washington's Policy and Practice Concerns

Plenary sessions will be held with several top experts in the field. Among these notable presenters are attorney J. Herbie DiFonzo, J.D., Ph.D., Professor of Law at Hofstra University and author of two books including *Beneath the Fault Line: The Popular and Legal Culture of Divorce in 20th Century America*. He is the co-reporter and editor of the AFCC special issue on Shared Parenting which emerged from the AFCC Think Tank (Family Court Review, April 2014). He will address *Shared Parenting: Research, Policy and Practice*.



Also on the agenda is Mindy Mitnick, Ed.D., M.A. who will present on the *Special Needs of Never Married Parents*. We are excited to have Christine Coates, J.D., a renowned expert on Parenting Coordination, Mediation, High Conflict and ADR who will present on *Parenting Coordination and Other Innovations for High Conflict Cases*.

Break Out Afternoon sessions will include speakers such as Dr. Carl McCurley, Manager of the WA State Center for Court Research who has published data on the Residential Time Patterns in Washington custody cases. He will present on *Parenting Plans in Practice: Best Available Evidence*. Also on hand will be local attorney Paul Battan, J.D. presenting on the *Interface Between Family Law and Criminal Law*. And rounding out the sessions will be a panel presentation by Alyson Jones, M.A., et al from Vancouver, BC entitled *Moving Families Forward: A Coordinated Reunification Response to Parental Alienation, Estrangement, and High Conflict*.



Watch for additional news or check the website for details. Attorneys, GALs, mental health professionals and others will find this to be another worthwhile day of presentations, discussions, networking and sharing of information.

March 7th, 2015

8:30 to 4:30

Social at 5:00 to 7:00 p.m.



ASSOCIATION OF
FAMILY AND
CONCILIATION COURTS



Dana Dean Doering, ARNP
President, WA AFCC

“The AFCC Washington Chapter is addressing important trends in shared parenting with an outstanding array of speakers at the Fifth Annual Conference.”



Frances Kevetter, JD
Guardian Ad Litem



PRESIDENT’S MESSAGE

Trends are constantly changing in society and especially in the national arena of divorce and custody. At AFCC Washington Chapter, we love to track these interesting trends in the USA. We all want our own lives and professions to reflect these positive changes and to allow the families who rely upon our expertise to benefit. To do so- we must remain abreast of current trends & seek to understand them better.

Let’s begin with the oldest trend of all- who has physical custody. Newer trends are based on the best interests of the child and all 50 states acknowledge the importance of fathers, and encourage both parents to play a role in raising and caring for their children. Let’s look at the changes in father’s roles.

State legislatures are rethinking child custody laws amid the latest scientific research showing fathers’ importance to their children’s physical and emotional well-being. Certainly more equal rights for women in the work place has correspondingly brought more equal rights and higher expectations for men at home. This new science of fatherhood shows that fathers have very strong emotional and physical connections with their children that are critical to children’s development and health, even showing that “father-time” lowers risk of disease and obesity and supports their children’s overall mental health.

Research shows that although mothers in America were granted sole custody for many

decades, mother sole-custody had dropped from 80% in 1986, to 74% in 1994, to 42% in 2008, while shared custody increased from 8% to 45%. Needless to say- the trend toward shared custody in 2014 is now dramatic! Yet, reticence to shared custody still exists in many courts. We need to both celebrate these many successes, yet still study the trends and predicaments that parents face in this newer arena of seeking successful shared parenting agreements.

Not all trends are so traditional. One interesting new trend is the court recognizing they must protect a child’s relationships with their most important people- those parents- official or unofficial, who have raised them, loved them and cared for them over time. As we all accept that families are formed in a myriad of ways, so must their dissolution be honored in a myriad of ways. Amazingly, courts are now learning to protect the precious parent-child “bonds that bind” in non-traditional families and are newly honoring the psychological or de facto parent role across the nation.

A trend of important note is the continued court bias, despite great advances over this past decade, for gay and lesbian parents. The legal landscape for LGBT parents remains rocky and at times unpredictable. Yet- future advances are expected to occur in marriage equality, civil unions, LGBT adoption options, and in standards for documenting LGBT family intentionality- all these newer trends will help these children of LGBT families become better served & better protected in future. *(continued on p.4)*

Reflections on WA AFCC Membership

by Frances Kevetter, JD, Secretary and Member of Board

What makes WA AFCC different and worth becoming a part of? I can tell you simply. I go to a meeting and look around the table and see committed people sharing a desire to help others, to heal others, to protect others. We all are from different disciplines, backgrounds, schools of education. I feel support, camaraderie, and care throughout the room.

WA-AFCC is a place where I can look around and I don’t see “blobs of people enduring yet another continuing education event.” People from all walks of life come together to be better: better healers, better attorneys, better protectors, better judges, better diagnosticians, just better. This is a group of encouragement. I am never made to feel that I don’t do my job right. In fact, no one has suggested I need to be better. I want to be better and somehow, listening and spending time with others who share this desire, somehow they make me better. The biggest difference is, with this group, I am better at my job because the people of WA-AFCC make me a better me. I leave but I am not alone. WA-AFCC is a mouse click away. Caring people whose articles I’ve read but never met; encouragement from people I will never see. I am never alone. You are only a click away.



Shared Parenting: Research, Policy and Practice

by Daniel Rybicki, Psy.D., Conference Coordinator

The topic of shared parenting after separation or divorce is a hotly debated issue in family law. Professionals from varied backgrounds and training have found it hard to agree on how best to manage the distribution of parenting time and decision-making. There are those who still adhere to remnants of the Tender Years doctrine and posit claims that very young children must spend the first two to three years in the close and immediate care of their mothers. At the same time, there are adherents to the position that frequent and shared contact enhances the favorable bonding and shared parenting opportunities for both parents to contribute to the development of their children. These perspectives have even found their way into the common practices found in various jurisdictions across the country.

Despite these variant positions, there are two fundamental truisms that have been established in the literature which serve as a starting point for the general discussion. It is commonly agreed that children of separation and divorce fare best when they have stable, healthy, and continuing contact *with both parents* (Pruett & DiFonzo, 2014). It is also understood that the best outcomes for children of divorce depend on *reduction of their degree of exposure to ongoing conflict* between the parents. Beyond those two principles, there has been debate about such practical considerations as guidelines for overnight shared parenting responsibility for young children and issues of optimal shared parenting arrangements. Attachment concepts and suggestions for establishing legal presumptions have been among the topics subject to increased controversy in recent years. The proper role for research and the status of public policy guidelines have been other recent points of discussion.

"The conversation about research, practice, policy, and shared parenting has been thought provoking and difficult at the same time, although...AFCC members have generally appeared to come down on the side of shared parenting time and decision making (Salem & Shienvold, 2014)." Indeed, the discussion was "given a spark in 2011 and 2012 when a special issue of the Family Court Review and AFCC's 49th Annual Conference in Chicago focused on

attachment and family law." At that point the interdisciplinary and highly politicized nature of the shared parenting debate taking place in family courts and legislatures around the world found its way into the mainstream of AFCC discussions.

Salem and Shienvold suggest that the ensuing debate created an opportunity for AFCC to confront the challenge by "bringing the parties to the table for a "Think Tank" experience." Thirty-two premier family law experts including legal experts, mental health practitioners, conflict resolution specialists, educators, judges, court service administrators, and researchers held a three-day meeting in January 2013. This study group included input from several US jurisdictions and from outside the United States. A collection of twelve Consensus Points were developed in this think tank and published as part of the Family Court Review April 2014 Special Issue along with additional articles that represent some of the remaining areas of controversy and discussion. The co-reporters for the think tank were the well-respected professionals, J. Herbie DiFonzo, J.D., Ph.D. and Dr. Marsha Kline Pruett. ***We have the pleasure of having as our keynote plenary speaker Professor DiFonzo who will be summarizing some of the issues and findings from this Think Tank meeting.***

The twelve consensus points are summarized in the table below. Further elaboration on the details may be found in the article by Pruett and DiFonzo (2014).

There were several alternative perspectives offered in the April 2014 FCR articles which suggested that the points of agreement were too basic, too vague or ambivalent, too focused on individualized application of the principles, and better served by presumptions against shared parenting (especially for high conflict parents). It is beyond the scope of this brief newsletter to share all the details of these competing positions, but it is hoped that the summary of the consensus points is enough to entice the reader to pursue the full issue of Family Court Review.

AFCC Think Tank Consensus Points Regarding Shared Parenting

1. Promotion of shared parenting constitutes a public health issue that extends beyond mere legal concern. Parents who collaborate in childrearing have a positive effect on their children's development and well-being. Parents who engage in protracted and/or severe conflict that includes rejecting or undermining the other parent have a negative impact. The potential for shared parenting is present for children regardless of the family structure in which they live, and it represents a key protective factor in (a) helping children adjust to separation and divorce, and (b) establishing an ongoing healthy family environment in which to rear children and facilitate high-quality parenting.
2. At its most influential, research evidence offers legal professionals and clinical decision makers the best available information without providing answers or predictions in any individual case. However, when aggregate-level research is applied as determinative of a specific case outcome, its value becomes compromised in the adversarial process.
3. We need to differentiate areas with sufficient research to offer consensus in legal situations from those without a sufficient data basis or agreement about its interpretation. Only then can consumers of research distinguish the quality of individual studies and the authority of an aggregate body for assisting in decisions.
4. Infancy is an important time of rapid growth and foundational development. During this time, sensitive caregiving is critical to maximize the child's immediate and long-term well-being. Special consideration needs to be given to meeting young children's developmental needs.
5. Children benefit from parents sharing in their upbringing throughout their life span, where appropriate, including in the earliest stages of life.

Think Tank Consensus Points continued from p.3

6. When there is a dispute over a young child's care, decision makers (including parents) should consider all relevant factors. No single factor trumps the influence and importance of the aggregate.
7. Supporting self-determination by parents, whenever it is safe for the parents and children to do so, is an optimal goal for professionals in family law.
8. A majority of the think tank professionals supported a presumption of joint decision making, while the rest supported a case-by-case approach. Even with a joint decision-making presumption, the factors that trigger individual determinations (e.g., domestic violence) remain to be fully delineated.
9. Negotiations and determinations about parenting time after separation that involve third parties (e.g., mental health or legal professionals) are inescapably case specific.
10. Children's best interests are furthered by parenting plans that provide for continuing and shared parenting relationships that are safe, secure, and developmentally responsive and that also avoid a template calling for a specific division of time imposed on all families.
11. In lieu of a parenting time presumption, a detailed list of factors bears consideration in each case. These relevant factors, which generally compromise the best interests standard, by and large, cut across age and special circumstances. They delineate the major aspects of personal, dyadic, and environmental interactions and conditions that affect development, as demonstrated by empirical evidence and clinical knowledge from the social sciences.
12. Shared parenting arrangements may be supported or hindered by the legal processes that are intended to help parents separate. In order to maximize the court's potential to assist parents in achieving as much self-determination and collaboration as possible, both alternative dispute resolution (ADR) options and case management tools are strongly recommended.



**WA Chapter
Association of Family
and Conciliation Courts**

Helping Families in Times of Crisis

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Shared Parenting Conclusions – Some selected comments:

Overnights:

“There is no one-size-fits-all shared parenting time even for the most vulnerable of families. Child development professionals agreed that ...research supports no definitive conclusion about the impact of some overnights, frequent overnights, or no overnights, on long-term parent-child relationships and child well-being.”

High Conflict and Family Violence:

“Shared parenting in the midst of high conflict is generally not in children's best interests. While family violence precludes shared parenting, there are some cases in which the violence is tied to the separation or to the dynamics of the adult's relationship while living together and may end when the parents live apart. In such cases, shared parenting may be feasible. The context and meaning of the intimate partner violence (IPV) and the implications for parenting must be carefully determined for each family.”



President's Message (continued from page 2)

Statistics speak to two critical trends in American family life today: a rising divorce rate over the past half-century, along with the increasing frequency of parents never marrying at all. These trends sit side by side with the growing societal acceptance of fathers as primary caregivers and other newer and accepted roles. Shifting public attitudes, hard economic times and changing demographic patterns all contribute to the rising share of never-married adults. Pew Research reports, “After decades of declining marriage rates and changes in family structure, the share of American adults who have never been married is at an historic high”. Another trend interesting to note, is that marriage and divorce now happens amongst slightly older people than in years past, and both divorce and joint custody present very expensive life experiences, or what we are calling “predicaments” for our upcoming 2015 Shared Parenting Predicaments conference. Specific topics have been chosen that are timely and relevant to your needs in keeping abreast of critical trends and best practices.

These trends affect every one of us! **Come and join us on March 7th, 2015** for a day of getting on top of current trends in Shared **Parenting Predicaments**, as well as an evening of meeting new friends and colleagues and building bridges across our various professions and across our wonderful state and Northwest region. Until then- Happy Holidays! Sincerely, Dana Dean Doering, Washington Chapter President