

The Association of Family and Conciliation Courts
Ontario Chapter
NEWSLETTER
Issue 17, Spring2017





President:

Justice Gerri L. Wong

Past-President:

Andrea Himel

President-Elect:

Dan Ashbourne

Vice President:

Jay McGrory

Secretary:

Brian Burke

Treasurer:

Shely Polak

Directors:

Nicholas Bala
Justice Philip Clay
Michelle Hughes
Seema Jain
Maxine Kerr
Justice Lene Madsen
Linda Popielarczyk
Justice Allan Rowsell

See "Inside this Issue" on Page 2

PRESIDENT'S MESSAGE

Dear AFCC Ontario Chapter Members and Colleagues,

As I write this, 2016 is ending. When you read this, Spring will be around the corner. As I reflect on my task of providing a message, I am wondering whether I should look back or forward. I decided on a little of both.

First, a formal acknowledgment of appreciation and thanks to the four members who retired from our Board in 2016: Rachel Birnbaum, Steven Benmor, Linda Feldman and Karla McGrath. All contributed tirelessly. All will be missed.

Second, a further round of thanks to Andrea Himel, our Past President. She leaves the presidency but continues to contribute to our Board as co-chair on several committees.

Third, our acknowledgement and appreciation to Justice Debra Paulseth, a former AFCC-O President, on the completion of her term as the Senior Family Advisory Judge to the Ontario Court of Justice.

And our congratulations to Justice Wendy Malcolm, a long standing AFCC member, on her assumption of responsibilities for the Senior Family Advisory Judge position.

Looking back - In December 2008 we received our Chapter Charter. Not surprisingly the working group worked hard and we quickly had more than 100 members.

Looking forward - Next year we will celebrate our 10th Anniversary. Let's take a moment to reflect on how far we have come: Membership is now close to 450; our annual conference regularly attracts over 250 registrants; we have a "sub" group in Kingston in the east which regularly holds true AFCC events — a cross section of the professions working with families and children, presenting on various topics - and, in the west, we partner with Jennifer Suzor and Bridging Family Conflict in Round Table Discussion Meetings, responding to the membership's identification of thorny legal and psychosocial issues.

We partner with the Law Society of Upper Canada to continue a project started by patti cross, Justice Sherr and Lorne Glass, offering education and experiential learning of lawyer 'students' working in child protection. The program was offered in Toronto and in alternating years in Windsor. In 2016 Justice Sherr, Lorne and the Law Society revamped the program, specifically to address the wait list of 'students' each year, and it is now available through web technology.

We founded the first family law moot in Canada, now known as the Walsh Family Law Moot & Negotiation Competition. Each March, law students compete on an appellate level and in a negotiation competition.

... continued on page 2

PRESIDENT'S MESSAGE - continued from page 1

In October, just before our annual conference, we met with the "newer" lawyers at Legal Aid Ontario to explain AFCC and to share the benefits of membership.

Our Board members are regular speakers at universities and professional associations across the province. We participate as guest speakers and panel members on a wide range of cross discipline topics.

We have done much more but these accomplishments are part of the province wide "membership" mandate of the AFCC-O. Not only should we continue to be multi professional, we aspire to make our membership "provincial" in the true meaning of the word.

Never content to rest on the present, we have accepted the challenge of Marsha Kline Pruett, current President of the AFCC International and an internationally recognized psychologist, researcher and clinician, who offered to waive her speaking fees in return for a commitment to sign up ten new members. We have partnered with the London Family Court Clinic, ADR-Link, Suzor Family Law and Bridging Family Conflict, to set up a half-day program with Marsha, scheduled for March 3, 2017 in Windsor. We are proud to report that within the first three weeks of the membership drive we welcomed our ten new members, with the majority being outside the Greater Toronto area. And no one should be surprised that we are diligently working on the next ten and thereafter a further ten! We have until April 3, 2017 to best the other international chapters participating in the challenge.

I welcome the newest members, I thank the returning members, and ask that all of you spread the word about AFCC membership. It's easy: Turn to the person beside you at the next meeting or conference, or the next person you email, or the last person you had an email from, or the next student or new associate you meet. Let's make membership in the AFCC and the AFCC-O the best thing that can happen in 2017.

Hon. Gerri Lynn Wong, AFCC-O President

INSIDE THIS ISSUE	Page #
The Walsh Family Law Moot & Negotiation Competition	3
AFCC-O 9th AGM & Conference -October 19-20, 2017	4-5
AFCC-O Member Spotlight—Justice Debra Paulseth	6-7
How to Succeed in Law	8
Steps to Justice	9
Cooperative Law and How it Works	10-11
Bringing Family Law into the 21st Century: Amendments to the Children's Law Reform Act	12-13
Kingston Working Group - Interdisciplinary Conversations on Family Justice	14
AFCC-O Awards & Scholarships	15
AFCC-O Membership Benefits	16
It Takes a Village	17
Film Review— People Places Things	18
Book Review - Overcoming Parent-Child Contact Problems	19-20
AFCC-O Programs, Events & Adult Children of Divorce DVD	21
AFCC-O Symposium, The Intersection of Domestic Family Law Cases and the Child Welfare System	22
Advertisements	23-26
Publication Information	27

THE WALSH FAMILY LAW MOOT & NEGOTIATION COMPETITION

March 11, 2017 is our Annual Walsh Family Law Moot & Negotiation Competition!

The Walsh Family Law Moot & Negotiation Competition is named after Justice George Walsh of the Superior Court of Justice. Justice Walsh was the lead of the family law team of the Toronto Region Superior Court of Justice and was very involved in family law reform and the emergence of dispute resolution inside and outside the court process. He was involved in establishing the first mediation service at the Superior Court and was the recipient of a number of family law awards.



The Walsh Family Law Moot is a competitive moot for 2nd and 3rd year law students. The moot will require a factum with a page limit of 20 pages.

Judges: The moots will be judged by various members of the judiciary including Court of Appeal, Superior Court of Justice and Ontario Court of Justice judges, as well as senior family law practitioners.

Prizes: Awards and recognition will be given to the school with the highest cumulative points for both facta and oral arguments, and second highest cumulative score and oralist score. Awards will also be presented for the best written appellant and respondent team facta.

The Walsh Family Negotiation Competition is a competition for 2nd and 3rd year law students. Working in teams of two, using facts for each partner in a family law dispute, the law students will negotiate with opposing teams in three successive rounds of increasing complexity.

Judges: The events will be judged by various members of the judiciary including Superior Court of Justice and Ontario Court of Justice judges, as well as senior family law practitioners, in teams of three.

Prizes: Awards and recognition will be given to the teams for:

- 1. Best Negotiation Plans
- 2. Best Overall Negotiation Teams
- 3. Best Individual Students

While the family law moot allows law students to practice their advocacy skills in an appellate context, the negotiation competition allows them the opportunity to apply their dispute resolution skills to a realistic and compelling parenting dispute. Bringing the two competitions together has allowed participants to experience the full spectrum of services provided to family law litigants in one fabulous weekend!

The AFCC-O recognizes the importance of assisting our future Ontario lawyers by offering them the opportunity to collaborate with our diverse membership of lawyers, mental health professionals, judges and others who support families going through separation and divorce. To recognize and thank law students for their participation in the Walsh Family Law events, the AFCC-O offers complimentary one year AFCC-O membership to participating students.

The Walsh Family Law Moot & Negotiation Competition Rules and Regulations, and sponsorship information can be found at:

www.afccontario.ca/walsh-moot/

AFCC ONTARIO CHAPTER 9th AGM & ANNUAL CONFERENCE

Please join us for the 9th AFCC Ontario AGM and Annual Conference, *Breaking Down Barriers: Targeting Resources to Meet Families' Needs.*

On **October 19th** (afternoon and evening) and **October 20th** (day), join us as we once again explore the challenges faced by families and family justice professionals.



Thursday, October 19, 2017 Events (Downtown Toronto)

We invite **New Professionals** to join us on Thursday October 19, 2017 from 1:00 p.m. to 2:30 p.m. for an enlightening panel discussion, "Advice from the Bench".

The **Pre-Conference Institute**, entitled "The Challenge of Addictions in Parents and Children", will be held from 2:45 p.m. to 5:00 p.m. Our panel will explore the very challenging issue of addictions in the families we serve. We will hear from mental health professionals specializing in the field of addictions, as well as judges and lawyers in an effort to assist us in

our practices to better understand how the issue of addiction comes into play in separated families, and to gain knowledge of how to effectively work with them. We will hear not only about drug, alcohol and gambling addictions in adults, but also about video game addiction and other addictions affecting children.

Evening Reception location to be provided soon from 5:00 p.m. to 7:00 p.m.

Friday, October 20, 2017 AGM and Annual Conference (Toronto Reference Library, Yonge Street, Toronto)

Opening the annual conference is our keynote speaker, Dr. Arnold Shienvold, in a session entitled "Cadillac vs. Chevy – How do we balance the push and pull of limited resources?" Dr. Shienvold, a past president of the AFCC International, specializes in dealing with high conflict families and is an expert in custody evaluations and mediation.

Breaking Down Barriers: Targeting Resources to Meet Families' Needs will also explore the following important questions:

- What considerations matter in high conflict disputes that center around mobility issues?
- Does the role of the parenting coordinator assist in the resolution of ongoing disputes, or continue to fuel the fire?



AFCC ONTARIO CHAPTER 9th AGM & ANNUAL CONFERENCE

• What improvements can be made in our responses to domestic cases that intersect with the child protection system?

- Advocacy, assessment and ADR in cases affected by domestic violence what are the best practices?
- Is gender identity relevant to the resolution of family law disputes?
- How can court-based mediation services provide greater assistance to families in need of support?
- And, of course, the Dr. Phil show with special guest, Justice Stanley Sherr, who will provide wise words about recent relevant cases.

Our diverse group of speakers include:

•Justice Kendra Coats •Justice George Czutrin Justice Carolyn Jones Justice Jennifer Justice Mackinnon Ellen Murray Justice Sheilagh O'Connell Justice Stanley Sherr • Justice Victoria Starr • Justice Roselyn Zisman Dr. Joey BonifacioDr. Leslie Buckley Irwin Butkowsky ●Pamela Cross ●Philip Epstein Dr. Barbara Fidler ◆Andrew Galloway ◆Andrea Himel Howard Hurwitz Carolyn Elizabeth McCarty → Professor Michael Saini → Dr. Arnie Shienvold •Justice Victoria Starr •Professor Rollie Thompson, and others.





For questions please contact: andrea.himel@rogers.com; bburke@epsteincole.com; or info@afccontario.ca

Our conference brochure, agenda and registration link will also be available in April on our website at: www.afccontario.ca

Registration inquiries may be directed to our conference planner Natalie Savage: natalie@the-planner.ca or (416)255-2525

We have applied to LSUC for CPD accreditation of our conference programs.



In 2016, continuing education credits were recognized by the following organizations for those who attended our pre-conference and conference events:

Ontario College of Social Workers and Social Service Workers
The American Psychological Association



Certificates of Attendance are now available for purchase with your conference registration

AFCC-O MEMBER SPOTLIGHT

Our Member Spotlight recognizes AFCC-O members throughout Ontario. In this issue we recognize: Justice Debra Paulseth

Justice Debra Paulseth's legal career began on a whim.

The eldest of six children, raised in London, Ontario, Justice Paulseth had completed an honours degree in English at Western when she decided to make some "serious money" working as a cocktail server in Jasper (having had previous experience working as a cocktail server through her undergraduate years). While there, she and her roommate decided their future career trajectory included writing the LSATs and going to law school.

Before this eureka moment, Justice Paulseth was on a path towards becoming a teacher. In the spirit of "everything happens for a reason", she met her future spouse Peter when they were students in a small class in 18^{th} Century literature, and she decided he could be the academic in the family while she set her sights on the law.

Justice Paulseth has no idea whether her roommate followed through with their plan, but she decided to write the LSAT exams (not telling her family or friends that she was going to Windsor to do so). She never looked back. Having spent her undergraduate years in her hometown, law school at the University of British Columbia seemed rather exotic. Of course, the fact that Peter was going to grad school there sealed the deal!

Following graduation, Justice Paulseth articled in London. She worked with two lawyers who practised family law, and the seeds were sown. After articling, Justice Paulseth took a year off, married Peter, and went to Valemount, B.C. where Peter was teaching. Justice Paulseth worked as a school secretary, bank teller, and as a night waitress at Valemount's only motel, before being promoted to switchboard operator. This career advancement foreshadowed what was to come!

Justice Paulseth and Peter then moved to Toronto, where she completed the bar admission course and began working as counsel with the Catholic Children's Aid Society, before moving to the Toronto Children's Aid Society. Two children later – and while on her second maternity leave – Justice Paulseth applied for a position with the (then named) Official Guardian's office. The Official Guardian at the time – Willson McTavish - asked her a question to which she candidly admitted she had no idea what the answer could possibly be! Mr. McTavish said this was the most refreshing thing he had heard from any candidate, and hired her as counsel in the Personal Rights department (custody and access/child protection).

In 1990 Justice Paulseth became the Legal Director of the Official Guardian's Personal Rights department. It was a busy time – having made it through the 1991 province wide road trip to empanel lawyers who would represent children in personal rights matters, she recalls dictating file transfer memos while in labour with child #3, while Willson paced the office hallways begging her to put down the tape dictator and get to the hospital!

In 1994 Justice Paulseth was seconded as counsel to the Civil Justice Review, tasked with providing practical solutions to problems plaguing the civil court system. Before that secondment, Justice Paulseth had been working on introducing mediation into child welfare matters. In 1995, Justice Paulseth – with an advisory group (which included Senior Family Justice George Czutrin, who later became President of the AFCC International in 2003-04) – wrote the family law chapter in the Civil Justice Review 1995 Report. This piece described a system that looked remarkably like the one we have today – with front-end information, mediation and case conferencing.

Justice Paulseth then went on to the Court Services Division in the Spring of 1995, as the Director of Toronto Court Services, responsible for the legal, administrative and operational needs of the criminal and family provincial and superior courts, and the Court of Appeal. Justice Paulseth remained with Court Services for ten years, eventually becoming the Assistant Deputy Attorney General. For two years during this period, Justice Paulseth was seconded to lead the child support guidelines implementation, and as Assistant Deputy Attorney General for the Legal Services Division.

AFCC-O MEMBER SPOTLIGHT - continued from page 6

Justice Paulseth was always interested in case law and legislation. In the "early years", when cases were unreported and it was impossible to keep track of any of the decisions, she co-founded the first periodical for child protection law in Canada. Justice Paulseth loved that part of her job – reading, summarizing and reporting the cases. Recognizing that she had drifted away from this over the years, she welcomed her appointment to the Ontario Court of Justice in 2005. She has always appreciated this court's innovation and inclusivity – especially its focus on case management and mediation – and has enjoyed sitting on the bench at each of the two family courts in Toronto.

Justice Paulseth is continually impressed with the commitment of the family law bar - how they do the most important job, working with the most vulnerable people and with the fewest resources. She is also inspired by the commitment of those involved with family justice to improve the

system, and their efforts to make things better for children and their

families.

In January 2014, Justice Paulseth was appointed as the Senior Advisory Family Judge for a three year term. In this role, she chaired an advisory group of family judges, advised the Chief Justice on policy and practice issues related to the provincial family courts, sat on the Family Rules Committee and liaised with her counterpart in the Superior Court, Justice George Czutrin.

Justice Paulseth was a member of the AFCC International before a chapter in Ontario was established. She was thrilled to be involved as a founding member when the Ontario Chapter was established in 2008. She is proud of the work that the AFCC Ontario Chapter has accomplished in the (nearly) ten years it has existed – the research, the policy development, the symposiums, the colloquiums and the annual conferences.

Justice Paulseth was a member of the AFCC-O Board for seven years and President of the board from 2013-14. In this same year the AFCC International annual conference was held in Toronto, and she was appointed as Senior Advisory Family Judge – a very busy year indeed!

Those who know Justice Paulseth comment on her continued enthusiasm

and positive nature. She never appears jaded. When asked what keeps her reviewing files every night and getting up to sit on the bench each day, Justice Paulseth notes that she shares this idealism with many others who work in this field, and this strong communal sense to "make things right" is a quality she experiences each and every day.

As someone who has known Justice Paulseth for many years, I have been struck by her generosity of spirit. She makes things seem effortless. She always does so with a smile. Justice Paulseth says that is because she enjoys the people who surround her. And those who are around her feel likewise.

We thank Justice Paulseth for her remarkable contributions to public service, and to the AFCC International and the AFCC-O.



Linda Feldman, LL.B., Acc.FM, AFCC-O Newsletter Committee

AFCC-O provides an extensive list of resources for families, and professionals on our Resources webpage, divided into the following areas of support:

Justice Paulseth
was a member of
AFCC International
before a chapter in
Ontario was
established in
2008. She is proud
of the work that
AFCC Ontario has
accomplished in
the (nearly) 10
years it has
existed.

HOW TO SUCCEED IN LAW Ian Binnie



It's actually simple: follow your dreams

When aging members of the profession like me offer advice to young lawyers, the message is generally the same. Work hard. Don't grumble. And focus on practising law. Otherwise, you'll lose your place on the greasy pole.

But most of this advice is of no use at all. It's better to keep in mind why you went to law school in the first place (whether you set out to make a difference, serve the public or make bags of money) and trust your own instincts about the way forward.

I have in mind the example of Hugh Verrier, the chairman of White & Case LLP, a top international firm. He graduated from law school, at the University of Ottawa, with more interest in seeing the world than spending nights in law libraries. So when White & Case, where he got his first law-firm job, offered him an opportunity at its Moscow office, he grabbed it, despite the conventional wisdom that it would be a career-limiting move. Russia is too far, he was warned, from the firm's centres of power. But Verrier followed his own drumbeat, and after happily drifting for years around the firm's foreign outposts,

he landed in New York, perched atop the greasy pole.

Contrast that with the stories of Justices Yves Pratte and Louis-Philippe de Grandpré. In the 1970s, these high-ranking Quebeckers were appointed directly to the Supreme Court of Canada. I imagine that both men saw such an appointment as the pinnacle of their legal careers — only to find out they didn't like the job at all. Both apparently resigned from the court after a few years of malaise. And so, as they say, be careful what you wish for.

More advice: nobody really cares about your career except you. Employers look, rightly, to fulfilling their own needs. You are useful to them insofar as you help them meet those needs. If your job doesn't permit you to achieve your career goals, whatever they are, walk away. If you don't, you have only yourself to blame.

Wayne Gretzky famously said: "Skate to where the puck is going, not where it's been." The practice of law is moving in an unsustainable direction, largely because it has become too focused on the top one percent of people and corporations. Self-represented litigants fend for themselves daily in all levels of court.

If lawyers can't or won't supply the service, the legal system will find ways to deal with disputes without resorting to lawyers. PayPal and eBay rely on online-dispute resolution systems to resolve 90 percent of the 60 million user conflicts that occur each year. Online dispute resolution is also a reality in British Columbia for small claims court. Keep this in mind as you plan your career.

Finally, nobody will be a success if they don't like their work, especially if it's in a disagreeable environment. The law offers terrific opportunities for a fulfilling career if you follow your own instincts, chart your own path and keep your independence so you're able to walk away from an intolerable situation. Above all, if you don't enjoy what you're doing, stop doing it.

Justice Ian Binnie served on the Supreme Court of Canada from 1998 to 2011. Today, he is counsel at Lenczner Slaght in Toronto.

This article is reprinted with the permission of the author. It was originally published in the September 2016 edition of *PrecedentJD*. *PrecedentJD* is published out of Toronto, ON with an emphasis on "the one place where you can find everything you need to kick-start your legal careers - from how to ace your interviews, dress the part and get hired back." The magazine features Canadian articles on News, Career, Style and Advice and can be read at: www.precedentid.com





In case you haven't seen this yet, a brand new website was launched in January under the leadership of CLEO (Community Legal Education Ontario) that you will want to check out.

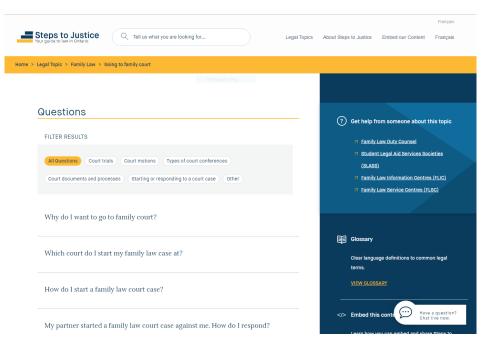
Launched with support from TAG (The Action Group), Steps to Justice <u>www.stepstojustice.ca</u> is a new public legal information website that covers several areas of law, including family law.

What makes it different from other websites is:

- (i) the way it presents its information in a userfriendly Q and A format using straight forward language; and
- (ii) the fact that its content has been thoroughly vetted by family lawyers and the courts.

As a result, the website enables clients to find clear answers to their legal questions more easily, along with suggested next steps and referrals for additional information.

The Steps to Justice website is especially unique as external



organizations are able to embed this new content on their own websites to share with their users. This means family lawyers, mediators, parenting coordinators and others now have a credible and fairly comprehensive source of family law information that can be readily made available to their clients.

I want to thank CLEO's executive director, Julie Matthews, for bringing this project to fruition, as well as patti cross and others who helped to champion this project from its inception. I also want to thank the many family lawyers who helped to develop and vet the new content. Great work team!



Tami Moscoe, LL.B.



DID YOU NOTICE WE PROVIDE HYPERLINKS TO WEBSITES AND EMAIL ADDRESSES IN RED INK THROUGHOUT OUR NEWSLETTER?



COOPERATIVE LAW AND WHY IT WORKS Esther Lenkinski and Alexandra Carr

The reality of separation and divorce is that most people wish to preserve their assets and reduce costs associated with lengthy litigation. Recent cases have aptly demonstrated warring parties can easily spend in excess of a half a million dollars on an issue such as whether a single additional overnight of access is warranted or not¹. Most experienced trial lawyers will advise clients that no matter how good the evidence may appear after preparation, the results of a trial or arbitral hearing are simply not certain. The uncertainty and expense of traditional litigation has resulted in the growth of a variety of different approaches to resolving family disputes including mediation, collaborative law and cooperative law, along with a significant growth in arbitration in an effort to avoid the court system. There are significant differences between these various types of alternative dispute resolution (ADR).

Arbitration - is a process just like a court trial. The same procedural steps, like questioning, interim motions for relief such as disclosure and interim support, are available to the parties and the same rules of evidence are followed. There are a number of reasons parties may wish to pay an arbitrator rather than availing themselves of the publicly funded court system for a trial. First of all, arbitrators may determine matters in a summary fashion, for example, relying only upon written argument, and that may be a huge time and expense savings if the matter in dispute is a single issue. Second, arbitration is a closed process whereas court is open to anyone who wishes to attend. This means parties who wish to ensure their matter is addressed without public disclosure (for example where parties wish to avoid exposure to the Canada Revenue Agency or are involved in a highly competitive business) may well choose to proceed to resolve matters through arbitration. Third, parties have more control in choosing who will hear the matter. They can ensure, for example if there is a complex tax issue, the arbitrator is knowledgeable about family law and tax. Judges in the publicly funded family court system are assigned to cases without any input from the parties and there is a variation in the degree of expertise in family law. Over the last number of years, it has been common for parties to choose a mediation/arbitration model which means they attend at mediation with either the same person who will become the arbitrator or they may choose, for reasons to do with neutral evaluation at the arbitration in the event that the mediation fails, to have different persons act as mediator and arbitrator.

Mediation - involves obtaining the opinion of a neutral third party professional who is usually an experienced family lawyer about the issues in dispute. Mediations may take place at any stage of the dispute. The parties are in control of the choice of mediator and may choose to participate with or without counsel². Mediators do not conduct hearings and do not make binding decisions. Mediation is an attempt to short circuit the process of arbitration or litigation in obtaining neutral third party input regarding the issues in dispute at an earlier stage of the process in the hopes that the parties may be convinced to enter an agreement or at least narrow the issues. Like an arbitrator, the parties usually share the fees of the mediator. The public system also provides for judges to act as mediators during mandated conferences taking place at various stages during the litigation. The difficulty is that judicial dockets are crowded. Whereas a private mediation may take place over the course of an entire day, judicial mediations are usually limited to a few hours since the judge managing the conference will have a number of other matters on his or her list for the same day, and will not have the same opportunity to get to know the parties and understand their goals in the resolution of the disputed issues.

¹See for example, M. v. F., 2015 ONCA 277, referring to the trial decision of Justice Whitaker in which costs were ordered in the amount of \$500,000, which was unpublished.

²Mediators are obliged to encourage parties to seek independent legal advice of separate counsel both before and during the mediation process: see commentary in s. 5.7 of the Rules of Professional Conduct.

COOPERATIVE LAW AND WHY IT WORKS - continued from page 10

Collaborative Law - requires the parties to sign an agreement both in regard to good faith and in regard to not continuing to use the same counsel if the litigation fails. Many people who want to save costs and want more control of the process of resolving their dispute believe collaborative law is the best approach but unfortunately there are many pitfalls in the process. Good faith cannot be implemented where one of the parties chooses not to be candid, not to make disclosure or to drag out the proceedings. Often in the collaborative process parties are not required to prepare financial statements until very late or at all, relying on the assumption the parties are bound to make full disclosure. However, sworn financial statements are fundamental to identifying each party's position and are the documents in which parties swear they have disclosed all of their income and assets and have set out any claims for an exclusion or deduction from the calculation of net family property. The failure to get such statements can result in significant fees, with minimal results, and ultimately a failure of the collaborative process. If the collaborative process fails, new lawyers must be retained often resulting in the institutional knowledge of the file being simply lost.

Cooperative Law - is an approach to problem solving that keeps the very best approaches of the litigation model and the collaborative law model without giving up the advantages of each. Lawyers can agree at the opening of the file to try to resolve matters in a cost efficient and emotionally responsible manner, in an attempt to keep matters out of court while always retaining the right to go to court. A lawyer who truly has an eye on the client's interests will provide him or her with written evaluations of the issues and often be able to think of a creative and effective resolution to address concerns both of his or her own client and to persuade the opposing party of the reasonableness of the approach. It is true that there are often legal issues that do not have simple and predictable answers. This does not mean the problem is not capable of resolution by taking into account both the cost of litigation and the likelihood of success. Cooperative lawyering permits parties to utilize tax planning and other innovative solutions that are not available in the court or arbitration model. Courts or arbitrators are simply required to follow the statute and will not do tax planning so if the goal is to make more funds available to the family, creative and cooperative lawyering is the solution.

"The question to be considered is whether or not the parties and their counsel are prepared to really give the cooperative approach a genuine attempt. Cooperative lawyering works and there is no downside."

So, why don't more people use cooperative lawyering? The first obstacles to cooperative lawyering are the need for full disclosure and a willingness of opposing lawyers to speak frankly to each other about the relative merits of his or her case. This means being candid about the weaknesses of his or her own position. Since all such discussions are without prejudice they cannot be relied upon if the matter does not settle and has to proceed to court. Another obstacle is that lawyers will often cede the leadership role rather than actively move towards settlement by providing clear opinions to their clients and attempting to implement creative solutions. In some cases, counsel may fail to maintain their objectivity and may have aligned themselves too closely with their client's cause to be able to participate in a sensible resolution. There are also certain clients who may not be prepared to resolve the matter without the intervention of an independent third party evaluator. The question to be considered is whether or not the parties and their counsel are prepared to really give the cooperative approach a genuine attempt. Cooperative lawyering works and there is no downside. If it breaks down, parties and their lawyers can choose to litigate with all of the background work in regard to the file useful and available to move the file to resolution.



Esther Lenkinski is a lawyer certified as a Specialist in Family Law by the Law Society of Upper Canada and acts as a mediator and arbitrator in family law disputes.

Alexandra Carr is a lawyer practising family and child protection law.

Both Esther and Alexandra can be reached at Lenkinski Law, which specializes in all aspects of family and estate law www.lenkinskilaw.com

BRINGING FAMILY LAW INTO THE 21st CENTURY: AMENDMENTS TO THE CHILDREN'S LAW REFORM ACT Archana Medhekar & Brook Thorndycraft

We are living in a rapidly changing world, impacting the lives of individuals and families and re-shaping society. The complex issues we face test the boundaries of the family and the legal system. We need to understand new constellations of families, accept an expanding definition of 'parent', and consider moral and legal issues as they arise. These social changes pose a challenge to the legal system to keep up with the times.

This article reviews two of the bills passed during the Fall 2016 sitting of the 41st session of the Ontario Legislature. These two bills amended the *Children's Law Reform Act* (CLRA), and will have a direct impact on how the legal system relates to families.

Bill 28 — The "All Families Are Equal Act (Parentage and Related Registrations Statute Law Amendment), 2016" — ensures all families are treated equally by recognizing and clarifying the legal status of parents, whether LGBTQ2+ or straight, and whether their children were conceived with or without assistance.

Bill 34 — The "Children's Law Reform Amendment Act (Recognizing Relationships with Grandparents), 2016" — clarifies grandparents have the ability to seek an order for access to their grandchild(ren). The amendments also ensure the courts remain focused on the best interests of the children involved in any access dispute.

Bill 28: Redefining Parentage

In 2015, MPP Cheri DiNovo tabled a similar bill. It was a private member's bill, Bill 137, known as Cy and Ruby's Act. This bill was named after the children of one of nine LGBTQ2+ families involved in a Charter challenge, *Grand v. Ontario*, which called for legal recognition of same-sex families in Ontario.

Bill 28 became effective as law on December 5th, 2016. In particular, there are a number of reasons why Bill 28 is important for LGBTQ2+ families. First, Bill 28 repeals and replaces Parts I and II of the CLRA, and clarifies who is considered a parent in situations where the child is conceived through reproductive technology, or with the help of a known donor or surrogate, as follows:

- The person who gave birth is the parent of the child (birth parent), except when the person who gave birth is a surrogate (s.6).
- The spouse of the birth parent who conceived using assisted reproduction is the parent of the child, unless that person did not consent to be a parent (s.8).
- A person who provides reproductive material (sperm or egg) or an embryo is not the child's parent, unless that person is determined to be the child's parent based on a pre-conception parentage agreement (s.7).
- A surrogate is not the child's parent as long as all parties have entered into a written preconception surrogacy agreement, have received independent legal advice, and the surrogate consents in writing to give up parental status before conception and again 7 days after birth (s.10).

Prior to this bill, a non-biologically connected parent was required to seek a formal adoption or parental declaration to be legally recognized as a child's parent. In cases where no adoption or declaration was sought, many non-biological parents have lived with the perception and fear they may not be recognized as equal parents in a parentage or custody dispute with the donor or surrogate, in the event of the death of the birth parent, or in cases of separation and divorce.

Second, Bill 28 provides a framework for legal recognition of parentage for up to four parents. This may often involve the birth parent and his or her spouse, as well as a known donor and his or her spouse. In some situations, this may involve the birth parent along with one or more unrelated adults who have signed a pre-conception agreement (s.9) to enter into a parenting relationship together.

BRINGING FAMILY LAW INTO THE 21st CENTURY - continued from page 12

Third, Bill 28 uses gender-neutral terminology, replacing "mother" and "father" with "parent" and "birth parent". Its gender-neutral language psychologically and legally recognizes same-sex families, and families in which there is a transgender birth parent.

Finally, the bill changes the definition of a parent and a relative in several other acts, including the Family Law Act, to reflect the changes to kinship that Bill 28 entails. For example, the parents of a child's parent are the child's grandparents, irrespective of a biological connection.

These changes will have major implications for divorce and separation, which are beyond the scope of this article.

Bill 34: Grandparents' Rights

Since 2005, grandparents in Ontario have tried to have the existing CLRA amended to create a pathway for grandparent access rights. Six (6) successive bills, proposed by bi-partisan members of the Provincial Legislature, never reached third reading for approval. Six other provinces, including Quebec, have legislation that allows for grandchild and grandparent access.

Alienated Grandparents Anonymous (AGA) worked actively on these issues in Ottawa and Toronto. The AGA brought to the foreground various aspects of the dynamics of grandchild alienation. AGA estimates that alienation of grandparents affects approximately 300,000 children and 100,000 grandparents in Ontario.

On November 3, 2016, MPP Michael Mantha presented a private member's bill, Bill 34, to amend the *Children's Law Reform Act* with respect to the relationship between a child and the child's grandparents. It became effective as amended law on December 8, 2016.

In Ontario, s.21 of the CLRA permits people other than the parents of a child to make an application for custody of or access to a child. No special status was granted to grandparents. In order to be successful, a grandparent had to establish that his or her application was in the best interest of the child. Bill 34 amended subclause 24 (2) (a) (i) to expressly provide that, in determining a custody or access application, the court must consider the relationship between the child and each parent and grandparent.

Disputes related to custody and access issues between parents and grandparents are always unpleasant, multilayered and complex. One of the factors in considering a child's best interests under s. 24 (2)(h) of the CLRA is any familial relationship between the child and each person who is a party to the custody application.

It will be interesting to see whether the courts will be asked to more frequently interpret grandparents as "parent" in terms of having responsibility for the support of children (per s. 33 (1) of the Family Law Act) where they have demonstrated a settled intention to treat them as their own. Conversely, it will be interesting to see if it will hear claims from grandparents for support of the children in their care.

Bill 34 may encourage dialogue between grandparents and their children rather than steering families towards litigation. As a result of these amendments, mediation stands out as the better alternative solution to litigation.

Taken together, Bill 28 and Bill 34 make substantial changes to the *Children's Law Reform Act*, updating Ontario law to reflect the expanded definitions of family, and considering other complex issues they face.



Archana Medhekar, B.Sc., LL.M., is a Certified Family Law Specialist and Accredited Family Mediator, practising family law in Toronto, Ontario. You can reach her by e-mail at: amlaw@amlaw.ca. Archana is also a member of our AFCC-O Newsletter Committee.



Brook Thorndycraft, M.A., B.Ed., Acc.F.M. is an Accredited Family Mediator and Conflict Coach, practising in Toronto, Ontario. You can reach her by e-mail at: info@brookthorndycraft.com. Brook is also a member of our AFCC-O Newsletter Committee.

KINGSTON WORKING GROUP

AFCC-O Panel Series at Queen's: Interdisciplinary Conversations on Family Justice

On November 22, 2016, the AFCC-O Kingston group hosted the panel discussion "Kids and Cash: Shared Parenting and Child Support" for lawyers, social workers, psychologists, local professionals, and students. Chaired by Queen's Law Clinics' Executive Director Karla McGrath, the panelists explored the reasoning behind s. 9 of the Child Support Guidelines, discussed creative solutions to problems posed by child support, and presented research on the relationship between shared parenting and shared custody. Justice Helen MacLeod-Beliveau of the Superior Court of Justice and Professor Nick Bala of Queen's University, Faculty of Law, were joined by lawyers Mark Frederick, Leslie Kendal and Tina Fasano to contribute their insights.

Isabelle Lam, a first-year student at Queen's Law, found the interdisciplinary nature of the panel especially compelling. "It was fascinating to hear different perspectives about the factors that play a role in determining shared parenting arrangements," Lam noted, adding that the lively discussion provided a valuable learning experience for students interested in family law.



The panel was one of a series held over the past three years by the Kingston group. Each panel has focused on a different topic pertaining to family justice and reflects the interdisciplinary nature of the profession by featuring a variety of legal and mental health professionals. Showcasing perspectives from mediators, law professors, psychologists, judges, social workers, lawyers, and court support workers, these panels present a unique opportunity to explore the common problems encountered in family justice practices in a casual and collegial setting.

Past panels have explored collaborative approaches to family justice, the benefits and drawbacks of supervised access, whether judges

should interact with children, techniques for navigating high-conflict separations, the role of expert witnesses in family court, effective practices in child protection cases, domestic violence and concurrent proceedings, and the position of grandparents in the family justice process.

Designed with an audience of local professionals in mind, the panels are strictly timed, free of charge, and take place at the Queen's Law campus on a weeknight from 5:00pm to 6:30pm. After discussing the featured topic for one hour, panelists invite questions and comments from the audience. Panels have been extremely well-attended, with over seventy regular attendees from Kingston, Belleville, Perth, Brockville, Cobden, and Napanee. Through its strong commitment to education and collaboration, the AFCC-O Kingston panels have succeeded in bringing together professionals from multiple disciplines to discuss best practices for children and their families.

The next panel, "Children Resisting Contact and Alienation: Identification, Prevention and Response," will take place on Tuesday, March 28, 2017 at 5:00pm. As has become tradition, a casual gathering will follow at the Queen's Grad Club. All are welcome to attend. For further information or to register to attend please email: kingstonafcco@gmail.com.

With thanks to the AFCC-O Kingston Group: Nicholas Bala, Trish Crowe, Mitch Fallis, Karla McGrath, Sian Phillips, Vince Ramsay, Rob Rowe, Sabrina Tripolitano, Justice Anne Trousdale, Peggy Wright



Erica Morassutti, B.A., J.D. Candidate, AFCC-O Newsletter Committee



If you would like attend an "AFCC-OK" Working Group upcoming meeting, please email us at: kingstonafcco@gmail.com. For additional articles and a Kingston resource list of Services for Separating & Divorcing Parents, please visit our website at:

www.afccontario.ca/committees-working-groups/



Call for nominations!! Submit your nomination for the 2017 President's Distinguished Service Award to info@afccontario.ca by March 31, 2017.



The President's Distinguished Service Award is an annual award that honours a member for his or her exemplary contributions to the Association of Family and Conciliation Courts, Ontario Chapter, over a sustained period of time. The individual has made significant and voluntary contributions to AFCC-O objectives through committee participation, education, leadership and mentoring. Through his or her contributions to the AFCC-O, and to the greater family justice system in Ontario, the recipient has demonstrated a strong commitment to promoting a collaborative and interdisciplinary approach to serving the needs of children and their families.



The deadline to apply for a scholarship to attend the AFCC-O's Ninth Annual Conference on October 20, 2017 is May 15, 2017

The AFCC-O scholarship recipients are not the only beneficiaries of AFCC-Ontario and AFCC International scholarship funds. Colleagues and courts in their communities, as well as children and families enmeshed in conflict, also benefit. Scholarship recipients take advantage of networking opportunities and state-of-the-art training that are the hallmark of all AFCC conferences. Scholarship recipients include parenting coordinators,

child custody evaluators, court services personnel, social workers, lawyers, mediators, graduate students and others who work with children and families.

Visit our website to view scholarship applicant criteria, and to download scholarship application forms at:

www.afccontario.ca/afcc-conference-scholarships/



The Nicholas Bala Award for Excellence

The Nicholas Bala Award is an annual award granted to a student enrolled in or recently graduated from a graduate level program in social work, joint social work/law or law (LL.B. or JD), psychology and/or medical school (psychiatry). The award includes \$1,000.00 and free registration at our AFCC-O Annual Conference.

The submission deadline is May 1st of each year.

For further information on our 2016 and previous years' award recipients, and to download application forms please visit our website at:

www.afccontario.ca/awards/

AFCC AND AFCC-O MEMBERSHIP BENEFITS

AFCC membership includes:

- A subscription to the Family Court Review, quarterly journal with full access to archives dating back to 1963!
- Access to an online membership directory of over 4,800 colleagues worldwide (don't forget to login to the members section of the AFCC website at www.afccnet.org to update your member profile).
- AFCC eNews monthly electronic newsletter.
- Parenting Coordination listsery of AFCC members.
- Special member discounts to attend AFCC Conferences, training programs and publications.

DID YOU KNOW... The AFCC has 21 chapters, only one other in Canada (Alberta), and the AFCC-O is the second largest AFCC chapter to California in terms of membership! AFCC-O members are eligible to receive discount pricing to attend our annual conference, seminars and special events. Check our events calendar at this link: www.afccontario.ca/calendar/



Are you a member of the AFCC and would like to join the Ontario Chapter?

www.afccnet.org/ Chapters/ JoinaChapter

AFCC-O members have access to the new "members only" section of our website. This section contains presentations from past AFCC-O conferences, as well as links to valuable resources and articles.

AFCC-O MEMBERS

As of March 1st, 2017 we have 438 AFCC International members in Ontario, and 392 are AFCC-O members.

The AFCC-O extends a warm welcome to our new chapter members!

AFCC-O members include family law judges, lawyers, mental health professionals, social workers, mediators, and other professionals in the family justice system.

We are dedicated to providing an interdisciplinary forum for the exchange of ideas and the development of procedures emphasizing collaborative methods of dispute resolution to assist families in conflict. We share a strong commitment to education, innovation, and collaboration to benefit communities, empower families and promote a healthy future for our children.



That was the conclusion that Justice Marvin Kurz reached in the case of *Torabi v. Patterson*, 2016 ONCJ 210 (CanLII) dealing with whether 4 year old Dylan could maintain a relationship with his deceased mother's family.

In a strongly worded decision, the Court wrote:

"Tragedy can be as corrosive as the sturdiest acid, eating away at the bonds that hold families together. For the parties to this motion, the illness and death of a young mother whom they all loved led only to further dissention, conflict, and ultimately this court proceeding."

After Dylan lost his mother to cancer, his mother's family made up of his grandmother, aunts and uncles applied to Justice Kurz for access to Dylan. Dylan's father opposed that request because of a history of family conflict with his in-laws. He argued that he is best able to determine his son's best interests and, like any parent, he wishes to choose whom his child sees, when he does so, and under which circumstances. He argued that the court should not interfere with his parental discretion. The mother's family argued that it is in Dylan's best interests that he maintain his close relationship with them and that, without contact, Dylan will never truly know his mother's family and their Iranian culture and heritage.

Justice Kurz carefully reviewed the law of access by extended family members. After quoting the case of *Giansante v. Di Chiara*, 2005 CanLII 26446 that held that when a young child loses a parent, the deceased parent's close family members may seek access even when a strong pre-existing relationship is absent. Justice Kurz stated:

"In summary, the case law generally requires the following elements to constitute a "positive" relationship between a relative and a child, one that may supersede the right of the parents to decide whom the child sees:

- 1. There must generally be a substantial pre-existing relationship between the relative and child. Strong loving and nurturing ties must exist between them based on time spent together that enhances the emotional well-being of the child.
- 2. That relationship must be a constructive one for the child in the sense that it is worth preserving. If relations between the parties are too poisoned, a previously positive relationship may not be capable of preservation.
- 3. The determination must include consideration of the age of the child and the time since the child last saw the relative.
- 4. A fourth factor may apply in the exceptional circumstance of a young child who has lost a parent. In that event, the existence of a strong pre-existing relationship may not be necessary when the relatives of the lost parent applies for access."

In examining Dylan's relationship with his mother's family, Justice Kurz stated that "each member of the Razzaghi family before the court had a relationship with Dylan that he or she finds meaningful. Undoubtedly at some time, Dylan enjoyed spending time with each."

Justice Kurz also considered what Dylan's mother wrote 17 days before her death:

"I appeal to Ken and my family members to work together, to put aside any differences they may have and always act with each other in a manner that is in Dylan's best interest. Only then will my soul and spirit truly rest in peace."

In the end, Justice Kurz decided that Dylan will see his mother's family one weekend afternoon per month for 6 hours. The order was just temporary and may be changed later.



Steven Benmor, B.Sc., LL.B., LL.M. (Family) is a Fellow of the International Academy of Matrimonial Lawyers, a Certified Specialist in Family Law by the Law Society of Upper Canada, and is the Chair of the Ontario Bar Association's Family Law Section.

FILM REVIEW

People Places Things (2015 - USA)



People Places Things opens as Will, the film's central character, discovers his partner's infidelity during the fifth birthday party of their twin daughters. Cut to a year later, and Will, a graphic artist and professor, is piecing his world back together but still struggling with the emotional fallout from the separation.

The film is marketed as a romantic comedy, and is in general a simple and light hearted movie. Part of the plot revolves around Will's awkward attempt to reinvest himself into a romantic relationship with the mother of one of his students, while still dealing with the lingering feelings for the mother of his children, Charlie. However, Will's romantic life takes a back seat to the story of his struggle as a single father, the relationship he has with his two girls, and the tension within the co-parent relationship.

While the film does not spend a great deal of time exploring the relational breakdown or the issues within the co-parent dynamic, it does provide brief glimpses into the characters' interactions which provide more than enough to connect with

the characters and their struggles, and to illuminate the underlying forces that drive the events portrayed in the film. One can't help but feel for the (at times) pathetic but likeable Will, who is clueless but trying. Similarly with Charlie, who is presented as selfish, but only in response to a life void of happiness because she gave up her dreams to support Will's pursuits, and who is struggling with her own ambivalence and indecisiveness.

Central to the story is Will's realization that he wants more parenting time with the girls. As Will gets the parenting time he wanted - in part due to Charlie's need for coverage rather than her faith in him as a father - he struggles with getting the kids to school and lessons, and the reality of his job and living conditions present him with real challenges. The film also captures Will's frustrations with becoming a 'second class parent', forced to rent a small apartment in a seedy area of New York while his ex and the children reside in the upscale matrimonial home. Despite the challenges and some questionable parenting decisions, Will is a loving but bumbling father, and his efforts are rewarded with the love of his children. The impact of the separation on the girls is also referenced - during a camping trip one of the girls, Colette, sharply expresses her feelings, and later creates panic for Charlie as she expresses wanting to live with her dad.

The themes and challenges presented in the film are common in the world of separation and divorce. The film presents them with enough comedy and politeness for the movie to be enjoyable to watch without feeling like work. Happily, the film leads the viewer to believe there is a way forward and - at least for the players in this story - there is both hope and a happy life around the corner.



Jared Norton, MSW, RSW, Acc.FM, AFCC-O Newsletter Committee

BOOK REVIEW

Overcoming Parent-Child Contact Problems

Family-Based Interventions for Resistance, Rejection, and Alienation

Edited by Abigail M. Judge and Robin M. Deutsch

Drs. Judge and Deutsch have offered readers a collection of chapters written by leading clinicians and researchers who have made significant contributions to understanding of families, where a child resists a relationship with or rejects a parent.

Among the list of recognized experts, are contributions by AFCC Ontario Chapter members, Dr. Barbara Fidler, Ms. Shely Polak, and Dr. Michael Saini.

The legal, child protection and mental health communities often OVERCOMING struggle to find appropriate resources to assist families experiencing resist-refuse dynamics. This book largely focuses on the Overcoming Barriers (OCB) approach to treating these complex family systems dynamics, and informs readers about the many dimensions of, and clinical considerations involved in, the Overcoming Barriers Family Camp (OBFC) program. It also includes chapters about other innovative programs and specialized outpatient family therapy models developed to assist these families. As a sampling, there are chapters about the current status of outpatient approaches; other experiential therapies; generalizing the OCB approach to outpatient family

PARENT-CHILD

therapy; and a chapter on the challenge of program evaluation and the importance of specialized training of other professionals. The insightful conclusion by Dr. Janet Johnston pulls together the key components of the family dynamics and intervention model, and provides important considerations about ethical issues, future directions and research.

OBFC was conceptualized by Dr. Peggie Ward, and developed by Drs. Robin Deutsch and Matt Sullivan. The book offers a detailed overview of this specialized family camp model. It outlines the legal and clinical considerations given to each referral during the screening and intake phase, necessary to determine if the family may benefit from participation in the camp intervention. It also describes the interplay between the 'milieu" — or recreational components of the program, including the rural camp setting — and the clinical interventions, which together provide a powerful experience for most participants. The reader ultimately appreciates how this milieu desensitizes a child who may be anxious about direct contact with a rejected parent, and builds hope of future supported interactions, relaxed and fun experiences.

The authors present the 'program road map' that guides each phase of the camp program. There are chapters dedicated to the group work with resisted or rejected parents (the 'west' group), the favoured parents (the 'east' group), and with the children ('common ground'). The educative, skills-building, and supportive benefits of group work are highlighted and understood as a stabilizing force for participants who attend with a range of strong feelings, and full of expectation, reluctance or dread, depending on their role in the dynamic. Each group supports its members to take his or her next step. That said, the down side of grouping family members according to their role in the family ('east', 'west', or 'common ground') is also identified.

....continued on page 20

BOOK REVIEW - continued from page 19

The OBFC is grounded in family systems theory, which informs the fluid application of multi-faceted therapy: Individual and group work for each family member, joint parent sessions, parent-child and family sessions. Each 'next step' is informed by the preceding intervention. The reader is informed of the necessary progress each family member must make to increase the possibility of healing and overcoming the resistance in a sustained way. Attention to the coparenting relationship, often incorporating a parallel-disengaged model, is especially essential:

"The coparenting relationship is a bridge that the child needs to traverse to reconnect with the rejected parent... That bridge does not exist for the child as these families enter camp, and the coparents in each family are a major focus of the clinical interventions. Without both some détente between the parents and the favored parent's support of the reconnection work between the child and the rejected parent, there is little chance that work will succeed."

Overcoming Parent-Child Contact Problems: Family-Based Interventions for Resistance, Rejection, and Alienation is a worthwhile resource for clinicians interested in providing services to families experiencing high conflict parenting and strained parent-child relationships, or who are curious about creative interventions. It will also provide valuable information to child protection workers, lawyers and judges who wish to better understand the selection criteria for these interventions, and the referral and intake process, including the importance of crafting a detailed and unambiguous court order for therapy with a specific parenting time schedule, and judicial case management to monitor compliance.



Linda Popielarczyk, MSW, Acc.FM, AFCC-O Newsletter Committee

ANNOUNCING RECENT & UPCOMING BOOK RELEASES....

Dr. Rachel Birnbaum and Professor Janet Mosher have written *Law for Social Workers* (Fifth Edition), published by Thomson Carswell (October 29, 2016) that offers a comprehensive and useful legal guide and framework for social work practitioners and students working in the justice system in Canada. This book covers the practicality of confronting the courts, the litigation process, and evidentiary issues that are very relevant for both seasoned and new legal, mental health, and social service practitioners. www.carswell.com

Dr. Rick Csiernik and Dr. Rachel Birnbaum have written *Practicing Social Work Research: Case Studies for Learning* (Second Edition), to be published by University of Toronto Press (April 2017) based on case studies to illustrate different research methodologies and critically evaluate social science research.

Mohammed Baobaid and Lynda Ashbourne have written *Enhancing Culturally Integrative Family Safety Response in Muslim Communities*, published by Routledge Taylor & Francis Group (March 2017) which is created to support immigrant and newcomer families from collectivist backgrounds struggling with issues related to pre-migration trauma, family violence and child protection concerns. www.routledge.com

Note: links above take you directly to book listings on listed websites.

AFCC-O ADULT CHILDREN OF DIVORCE DVD

Adult Children of Divorce DVD: Today

The project had its first public viewing for professional education in Windsor in November 2015. Bridging Family Conflict and Jennifer Suzor Mediation partnered with the AFCC-O to use the production as part of their "Round Table Dinner" series. Over 50 professionals including mediators, lawyers, judges, mental health professionals, and parenting coordinators participated in making the evening a success. Board members Dr. Dan Ashbourne, Dr. Jay McGrory, Justice Gerri Wong, as well as mediator Christine Kim, assisted Jennifer Suzor and Krista Konrad in the program by acting as facilitators, moving among the tables of interdisciplinary professionals and eliciting comments and insights helpful to all. There was a follow up meeting in September, using the DVDs as part of a discussion on shared custody.

The program was next used in Toronto in March 2016. The Ontario Psychological Association partnered with the AFCC-O at a panel discussion evening involving Dr. Barbara Fidler, and board members Justice Philip Clay and Andrea Himel. Over 40 professionals attended and engaged in active conversation on this important topic.

In May 2016 the Peel Family Mediation Services and the AFCC-O partnered to present the Adult Children of Divorce Evening Forum. Justice Philip Clay and the Executive Director of the Peel Family Mediation Services, Antoinette Clarke, shared their experiences and provided insight responding to probing questions about the complicated field of assisting families and children of divorcing parents. The program was so well received, it was presented again by the Peel Family Mediation Services and the AFCC-O in September 2016.

Future Programs

Since the DVD was released, the program has earned rave reviews and has started an ongoing discussion with all professionals in the family justice system. If you are interested in borrowing the program please contact our AFCC-O Administrator, Kimberly Brown at: info@afccontario.ca.

Provincial Programs Available*

The Provincial Planning committee has been hard at work developing programs to facilitate networking and learning in innovative ways. The purpose of these programs is to provide local communities with a creative way to network and learn with colleagues. Addressing a wide array of topics, we extend an invitation to host an event for AFCC-O members, and other family justice professionals in your community. All you have to do is contact the AFCC-O with your interest in hosting an event, and we will work with you to take care of the smallest of details.

Choose from any of the following programs:

- 1. How to Build a Thriving Practice, Prevent Complaints and Feel Rewarded
- 2. Family Law Dilemmas: Learning from Film and Discussion
- 3. Adult Children of Divorce Have Their Say

*For more information contact Dr. Jay McGrory via email: info@afccontario.ca

AFCC-O SYMPOSIUM, The Intersection of Domestic Family Law Cases and the Child Welfare System

On November 25, 2016, the AFCC-O hosted a family justice symposium, entitled "The Intersection of Domestic Family Law Cases and the Child Welfare System". Our symposium was designed to build on the recent research conducted by Claire Houston and Professor Nick Bala with the goals of developing strategies, better practices and next steps to improve how custody and access cases that intersect with the child protection system are identified and managed. The full-day program also explored how Children's Aid Societies (CAS) across Ontario may be able to improve on service delivery in cases involving high conflict custody disputes. Over forty-five professionals attended the symposium, including: legal and policy advisors from the Ontario government and Legal Aid Ontario, community and legal organizations, lawyers and child protection workers/supervisors from Children's Aid Societies, judges, mediators, parents' and children's counsel, the Office of the Children's Lawyer, mental health professionals, assessors and members of the AFCC-O Board of Directors.

Our program began with opening remarks from Chief Justice Heather Smith, who explored the significance of the issues and the impact on children and families. AFCC-O researchers, Claire Houston and Professor Nicholas Bala, provided an overview of the problem as identified in the recent research. Our next panel raised potential areas of training for child protection workers employed by the Children's Aid Societies. Our speakers provided

their thoughts as to how agencies can improve their responses to high conflict domestic cases, and clients. The session included an overview of the knowledge, skills and components that a training program may include.

The next presentation examined the role of the courts in the resolution of intersection cases. The panelists provided their thoughts on ways to assist domestic and child protection courts to address the following topics: investigations, ongoing CAS involvement, evidence and disclosure. Strategies included using the Family Law Rules and case management process to manage the litigation.

Our attention then turned to the structure within and outside the CAS, with a review of options to improve how domestic cases are managed within the CAS. We also considered the option of the CAS acting as a case manager when multiple community organizations are involved with a family. Our afternoon session also included an opportunity for various stakeholders in the family justice system to provide their perspectives. The final panel explored policy and funding issues.

Visit our Research & Policy
Webpage to view the
symposium summary
paper, "AFCC-O:
Intersection of Domestic
Family Law Cases and
the Child Welfare System
- Next Steps to Improve
our Responses to
Families Experiencing
High Conflict", and
research papers written by
Claire Houston and
Professor Nick Bala.

Throughout the day there were opportunities for discussion to develop a better response to the intersection cases. Attendees provided their own tips and strategies, which led to creative problem-solving. We have prepared a summary article entitled AFCC-O: Intersection of Domestic Family Law Cases and the Child Welfare System – Next Steps to Improve our Responses to Families Experiencing High Conflict, which can be viewed on our website.

The AFCC-O conference committee is pleased to advise that the symposium will form the basis for one of our four breakout sessions at our annual conference, *Breaking Down Barriers: Targeting Resources to Meet Families' Needs*, which will be held at the Toronto Reference Library on October 20, 2017.



Andrea Himel, LL.B., M.S.W., AFCC-O Past-President

AFCC-O UPCOMING EVENTS

March 11, 2017

Walsh Family Law Moot & Negotiation Competition

March 28, 2017

Kingston Working Group "Children Resisting Contact and Alienation: Identification, Prevention and Response," will take place at Queen's University Law School at 5:00 p.m.

October 19, 2017

Pre-Conference Activities at Children's Aid Society of Toronto, Central Branch:

New Professionals Event, "Advice from the Bench", 1:00 p.m.—2:30 p.m.

Pre-Conference Institute, "Addictions in Parents and Children", 2:45 p.m.—5:00 p.m.

AFCC-O Chapter Reception, 5:30 p.m.—7:30 p.m. (new Spring Rolls, Yonge and Bloor)

October 20, 2017

Ninth Annual Conference at the Toronto Reference Library, Bram & Bluma Appel Salon Breaking Down Barriers: Targeting Resources to Meet Families' Needs, 8:30 a.m.—4:30 p.m.

Visit our website at www.afccontario.ca/calendar/ to view our Events Calendar, download flyers for the above events, and to obtain registration information.





talk is cheap, results matter.

Get the free Family Law Practitioner's app to make using your complimentary professional account even easier.

- Work directly with clients through OFW.
- Setup and link to families to eliminate duplication of efforts.
- Easy preparation of court approved records.
- Improve client outcomes and shield the children.





Attorneys, mediators, judges and other family law professionals can gain free professional access to work with clients directly through the website or app.

Get started today at OurFamilyWizard.com/pro





Affordable, effective, excellent.

Our mission is to provide high-quality mediation, arbitration, parenting coordination and training services.



Elizabeth Hyde J.D., LL.M, (ADR)

Hilary Linton
J.D., LL.M, (ADR)

Jared Norton M.S.W.

UPCOMING COURSES

Family Law (21 / 30 Hours) March 20, 21 & 22 / 23, 2017

Screening for Family Violence, Abuse, and Power Imbalances (21 Hours) April 24, 25 & 26, 2017

Family Mediation Skills (40 Hours) May 11, 12, 15, 16 & 17, 2017

Duty of Care for FDR Professionals (10 Hour Update) May 25, 2017

Family Mediation Information Night June 8, 2017









393 University Avenue, Suite 2000, Toronto, Ontario M5G 1E6

416.593.0210



416.593.1352



mriverdalemediation.com



hello@riverdalemediation.com

Barbara Jo Fidler, Ph.D., C.Psych., AccFM 2017 Trainings

PARENTING COORDINATION: FOUNDATIONS (9am to 4:30pm)

November 16, 17 & 18, 2017

Includes overview of research on important topics related to working with high conflict separating and divorcing families, the nuts 'n botts of the PC process, and how to implement a developmentally informed protocol for interviewing children.

PARENTING COORDINATION: ADVANCED APPLICATIONS

January 26 & 27, 2018 (9am to 4:30pm)

Includes review of relevant arbitration law, case law update, nuts 'n bolts of arbitration procedure geared to Parenting Coordination, a mock arbitration and practice dilemmas.

Linda Chodos, MSW, RSW, AccFM

CHILDREN RESISTING POST SEPARATION CONTACT:

CONCEPTS, CONTROVERSIES, ASSESSMENT & INTERVENTION December 8 & 9, 2017 (9arn to 4:30pm)

Visit our websites for course descriptions, registration information and additional trainings & services:

> www.familysolutionstoronto.ca www.familiesmovingforward.ca or email Camilla.fidleradmin@bell.net for more information

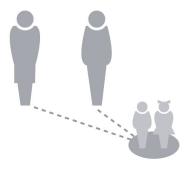








Douglas Millstone, LLB.



Contact us

Intake: 1 855 222-7712 info@braydensupervison.com

Brayden Supervision Services

- High-conflict custody and access supervision
- Providing supervised access services to families in central, southwest and southeast Ontario
- Therapeutic Access Program available
- Extensive experience with out-of-country/ Hague Convention cases
- Brayden Supervision services are provided in home, community, and our family centre (if required)

Please visit our website for more information at

www.braydensupervision.com

Published by:

The Association of Family and Conciliation Courts, Ontario Chapter

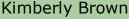
Newsletter Committee

29 Centre St. W., Richmond Hill, ON L4C 3P3

Newsletter Committee:

Linda Feldman & Linda Popielarczyk (Co-Chairs), Archana Medhekar, Erica Morassutti, Karla McGrath, Jared Norton, and Brook Thorndycraft

Administration, Layout and Design:







If you have an interesting topic, article or advertisement you would like featured in our next issue, please let us know by emailing us at:

info@afccontario.ca

ADVERTISEMENTS

The AFCC-O Newsletter is a publication of The Association of Family and Conciliation Courts, Ontario Chapter.

Our newsletter is published two times a year usually in March and October. The submission <u>deadline</u> for news and advertising items in our next issue is:

September 1, 2017

Advertising copy must be provided in JPEG format and payment made in Cdn. funds

Costs:

Full page

\$425 (member) \$600 (non-member)

Half page

\$300 (member) \$450 (non-member)

Quarter page

\$150 (member) \$250 (non-member)

<u>Download Advertisement</u> <u>Details</u>

VISIT OUR WEBSITE AT: www.afccontario.ca

- Our website is compatible with smart devices. A newsletter subscription option is available on our homepage for any of your colleagues who would like to receive a copy.
- View our upcoming AFCC and AFCC-O events and register online. We also post training seminars and workshops that are applicable to the AFCC-O's mission, offered by our members throughout Ontario.
- Visit our expanded "members-only section" to view past conference presentations.
- You can also view past issues of the AFCC-O newsletters and find out about our committees and working groups, research projects, Ideal Family Court initiatives, and more.

Except where otherwise indicated, the articles in this AFCC-O Newsletter represent the opinions and views of the authors and do not necessarily represent the opinion of the AFCC, the AFCC-O, or any of the officers of either organization.