



AFCC ONTARIO NEWSLETTER

VOLUME 5. NUMBER 2

Association of Family and Conciliation Courts – Ontario Chapter

Winter, 2010

AFCC Ontario is Live - www.afccontario.ca

AFCC Ontario has charitable status!!

We are thrilled to announce that we have been granted charitable status from the Canada Revenue Agency. This allows us to issue tax receipts for donations, which allows us to develop more initiatives and programs which benefit children and families in conflict.

You can now demonstrate your support for these exciting initiatives. Go to the AFCC Ontario website and just click, Donate. A tax receipt will be sent to you with thanks from AFCC Ontario.

Please join me in our heartfelt thanks to Fauzia Ahmed of Aird & Berlis LLP for providing us with the legal advice necessary to apply for charitable status. Fauzia volunteered her services to AFCC Ontario - we are most grateful and we certainly couldn't have done it without her expertise.

Thank you, Fauzia!!!

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The AFCC Ontario Newsletter is a publication of the Association of Family and Conciliation Courts, Ontario. The newsletter is published several times a year. Deadlines for news items and advertising are April 15 and October 15. Advertising copy must be camera ready and payment made in CAD funds.

AFCC Ontario Advertising Rates:

Full page
(7 1/2" x 10")
\$425 (member)
\$600 (non-member)

Half page
(7 1/2" x 4 7/8")
\$300 (member)
\$450 (non-member)

Quarter page
(3 5/8" x 4 7/8")
\$150 (member)
\$250 (non-member)

A Note From The President

Now that we have received our charitable status, we have applied to receive our chartered chapter status from the AFCC. If successful (and I don't doubt that we will be successful), we will receive chartered status in Denver at the AFCC Annual Conference. Until now, we have had provisional chapter status; chartered status will give us the full benefits of being a chapter within the parent association.

People across Ontario have been committed to bringing an AFCC chapter to Ontario since the AFCC Annual Conference in Washington D.C. in 2007. If you are in Denver, please make sure that you are at the luncheon to celebrate this achievement. Thank you to everyone who has made this possible.

We have partnered with the parent AFCC to provide a scholarship to an AFCC Ontario member to attend the Denver conference from June 2 to June 5, 2010. The scholarship is worth the full conference registration, which includes the pre-conference institute. The deadline for the application is March 15, 2010. I encourage you to apply. The conference, *Traversing the Trail of Alienation*, promises to be yet another exciting educational opportunity for professionals in the family law system.

Our own AFCC Ontario conference is scheduled for October 14 and 15, 2010 at the Chestnut Hotel at 89 Chestnut Street, Toronto (next to Nathan Phillips Square). Tickets will be on sale in the summer. We have enlisted an incredible line-up of speakers. Don't miss it!

Our Outreach Committee, chaired by Deborah Moskovitch, is developing a package of tools to bring the AFCC chapter to communities across Ontario. Are you interested in hosting a lunch and learn, a movie night or an educational event in your community? Let Deborah know and she will be able to assist you - deborah@thesmartdivorce.com

At the AFCC, Ontario, we continue to strive to make a difference in families lives. But, we also hope that we are making a difference in your professional life. If you have any suggestions about how to improve the chapter, we're always ready to listen. Please contact us at: afccontario@gmail.com.

AFCC Ontario Membership Status Report

We continue to stand strong with over 200 members and still growing – all since our provisional chapter status was approved in Vancouver in May 2008.

We are absolutely delighted that so many people want to be a part of our community.

Patti Cross and Justice Craig Perkins

Nicholas Bala Award for Excellence in Children and Family Law

We are thrilled to announce that a recipient of the *Nicholas Bala Award for Excellence in Children and Family Law* has been chosen - Ms. Tiffany Lau of the University of Toronto. Ms. Lau is a combined law/social work student who graduated from Queen's University with a Bachelor of Arts (Honours) in 2006, achieved with distinction. She will receive her combined J.D./MSW in June 2010.

Her research paper, *An Analysis of the Empirical Basis of Therapeutic Interventions for Parental Alienation Cases* was chosen by our Selection Committee as the best research paper received by the Association of Family and Conciliation Courts, Ontario. Her paper was well-written and researched. It demonstrated awareness for the need for more therapeutic interventions that also focus on evidence-based research to assist children caught in high conflict parental disputes. Our Selection Committee was also impressed with her demonstrated commitment to interdisciplinary work in family law and her volunteer work.

The Association of Family and Conciliation Courts, Ontario decided to honour Professor Nicholas Bala by awarding a scholarship to a student who demonstrates qualities similar to his own. He is one of Canada's most respected legal scholars and his contributions to family law seem endless. His work is interdisciplinary in scope and he has had a major impact on developing knowledge on the effect of legislation and the justice system on children and families. He has written extensively on parental alienation cases. It is only fitting that she should receive an award in his name for her paper on this same issue.

Please join us in congratulating Ms. Lau.

CONFERENCES

AFCC Regional Training Conferences

The Ninth AFCC Symposium on Child Custody Evaluations is being held October 28-30, 2010 in Cambridge, Massachusetts at the Hyatt Regency Cambridge

The 47th AFCC Annual Conference is being held June 2-5, 2010 in Denver, Colorado at the Denver Sheraton, June 2-5, 2010

AFCC SCHOLARSHIPS FOR DENVER CONFERENCE JUNE 2-5

Scholarships will be awarded by AFCC for AFCC's 47th Annual Conference, June 2-5, 2010 in Denver, Colorado. A very limited number of these include a \$1,000 travel stipend. AFCC Ontario Chapter is pleased to provide its own additional scholarship as well. Recipients of the travel stipend will be chosen based on need. Guidelines and criteria can be viewed at www.afccnet.org/about/resource_committee.asp.

Due to the large number of applications received in past years, previous scholarship recipients will not be considered. Preference is given to AFCC members. To join AFCC visit afccnet.org/membership/join_today.asp.

Applicants must complete an application form to be eligible for consideration. Incomplete applications will not be considered. The application form can be found at <http://www.surveymonkey.com/s.aspx?sm=GSz7G93XzZlwu280CiInJcxb1qsAvhYgcMyZiiHZmFI%3d&>.

To be considered for the AFCC Ontario Chapter scholarship, you must download and print the form and mail your completed application to:

AFCC Ontario Scholarship
c/o Mr. Justice Perkins
Courthouse
361 University Avenue
Toronto ON M5G 1T3.

Applications to AFCC Ontario Chapter must be completed and submitted by March 15, 2010.

Applicants can also complete and submit the form on line by March 1, 2010 for consideration by AFCC at its headquarters, but only those applicants who submit the application by mail to the above address are eligible to be considered for the AFCC Ontario Chapter scholarship.

The 48th AFCC Annual Conference is being held June 1-4, 2011 in Orlando, Florida at the Hilton Orlando Bonnet Creek Resort.

For other conference events be sure to check our website: www.afccontario.ca

AFCC ONTARIO INITIATIVES

BACK TO THE FUTURE: CHILD PROTECTION TRAINING FOR LAWYERS

As part of an AFCC Ontario initiative, Justice Stan Sherr and Lorne Glass (both AFCC Ontario members) are co-chairing a *Child Protection Intensive Training Program for new lawyers*. The four training days have been set – October 20-23, 2010; the venue has been chosen – the Donald Lamont Learning Centre at the Law Society of Upper Canada; and the speakers have been chosen – a fantastic list of dedicated, fantastic individuals who, unfortunately, are far too numerous to mention.

The program is an interactive program where lawyers are taken through the process of handling a child protection file from start to finish. As well, the lawyers will get hands-on training from lawyers and judges.

This initiative is part of AFCC Ontario's project to attract more lawyers to child protection work. As most of you know, Ontario is experiencing a crisis in the child protection field – retiring child protection lawyers are not being replaced by more junior members of the profession. AFCC Ontario is concerned that this is creating an access to justice crisis for families involved in child protection proceedings. We knew that we needed to do something about it. Thus, we have dedicated ourselves to projects such as the training program and the dinners to introduce law students to child protection work.

Justice Sherr and Lorne are most thankful to the many volunteers and Associations that have provided assistance in developing this project. Legal Aid Ontario is supporting the program by supplying facilitators, developing materials and providing incentives to encourage new lawyers to attend the program. The Law Society is supporting the program by providing the venue at a reduced rate, and the Office of the Chief Justice of the Ontario Court of Justice is supporting the program by providing all kinds of assistance to Justice Sherr and Lorne. The Superior Court of Justice is supporting the program by providing judges to the program.

Are you interested in attending this program? If so, please contact Lorne Glass at lglass@glassassoc.com.

OUTREACH COMMITTEE: Chaired by Deborah Moskovitch

AFCCO is committed to supporting and educating AFCC members' province wide. We are very excited to announce that an outreach committee has been formed, and is working on developing a multidisciplinary networking/education program that can be easily implemented. This outreach community program will be available by the spring.

If anyone is interested in facilitating this informative program in their community, please let us know. Almost everything will be done for you; the outreach committee is dedicated to supporting your needs.

To hear more about the Committees and Task Forces and how you can contribute, please contact: afccontario@gmail.com.

UPDATE FROM THE NORTH

BUILDING CAPACITY FOR ADR IN THE NORTH

The Child Welfare Secretariat through an EBBS initiative (Eliminating Barriers and Building on Successes) is funding a project currently underway in Thunder Bay and Sault Ste Marie under the leadership of The Thunder Bay Counselling Centre. The goal of this initiative is to build capacity within the communities to provide local child protection mediation and family group conferencing in child protection matters.

AFCC Ontario was a proud sponsor of the launch of this initiative in both sites and provided funding that enabled The Honourable Mr. Justice Harvey Brownstone to attend in both locations. Justice Brownstone's entertaining and thoughtful presentations generated a steady roar in the communities.

In October, 2009, a 40-hour basic family mediation training was held in each location and approximately 40 people completed the training. In January, a three day advanced family mediation course and a two day domestic violence course was held in each location as well. The turnout was outstanding.

Since November 2009, both sites have been offering free family mediation services in the communities to provide the mediation interns the opportunity to obtain supervised family mediation practice and to meet the pre-requisites to enroll in a three day child protection mediation course scheduled for June, 2010. Referrals for mediation are coming in from the Superior Court of Justice, the Ontario Court of Justice, the local Family Bar, Legal Aid Ontario, and other community agencies. In addition, referrals for

Child Protection Mediation have been made in both communities and local mediation interns are having the opportunity to audit files that are being mediated by one of the trainers, both of whom are on the Ontario Child Protection Mediator Roster.

Each site have also hosted a two day family group conference training and have provided opportunities for mentorship to build capacity in the regions and provide enhanced family group conferencing in child protection matters as well.

The northern landscape is changing as a result of this initiative. The communities of Thunder Bay and Sault Ste Marie are building capacity to sustain a trained, local pool of family mediators, child protection mediators and family group conference coordinators. These interdisciplinary professionals provide additional options for families experiencing separation or who are involved in the child welfare system.

Supporting initiatives and sharing information about different projects throughout Ontario is an important goal of AFCC Ontario. If you know of a project of interest and would like AFCC Ontario to share the story, please contact a member of the Board at afccontario@gmail.com

Maggie Hall

Principal Family Court Judge Peter Boshier

AFCC Ontario hosted a dinner for Judge Boshier from New Zealand after he spoke at the Voice of the Child Conference sponsored by the Law Society of Ontario on March 10, 2010. At the dinner with thirty-six AFCC Ontario members, Judge Boshier spoke about the changes in family law in New Zealand that is moving towards a more child-focused Family Court.

He described the National Early Intervention Process that will commence in April, 2010 focusing on a case-flow management system aimed at intervening much earlier in urgent cases (i.e., high conflict cases), and providing more emphasis on mediation for non-urgent cases. All applications coming into Family Court will be triaged to either counseling, mediation before specialist mediators (i.e., lawyers appointed as counsel to assist the court) and if the case is still not resolved, fast-tracked to a 45 minute judicial conference, and failing that, a focused direction to the parties for a half day hearing within 2-4 weeks.

Rachel Birnbaum

What Does the Ideal Family Court Look Like? A Policy Paper for AFCC Ontario

AFCC Ontario would like you to take part in the drafting of a policy paper that designs and describes the elements of an ideal Family Court for children and families involved in separation, divorce or child protection issues.

This is an opportunity for the AFCC interdisciplinary community to exchange information about available services for families, learn from one another's experiences and expertise, test current family law practices and generate knowledge by sharing it with a community of partners to inform policy.

If you wish to participate, please join us at the inaugural meeting at the Children's Aid Society of Toronto, 30 Isabella St., Toronto on Tuesday, April 13, 2010 from 4:00 to 5:00 p.m.

If you would like to join us, please confirm your participation at:
afccontario@gmail.com



Association of Family and Conciliation Courts, Ontario Chapter

SAVE THE DATE!

Our annual conference will be held on

Thursday, October 14 (evening) and Friday, October 15, 2010 (all day)

at the University of Toronto Residences, 89 Chestnut Avenue, Toronto

The Future of Family Law

Topics include:

- Presentation by the Chief Justices of the Ontario Courts of Justice
- Presumptions on Access
- Advice to Experts Who Testify
- Children's Statements
- Practice Issues and Risk Management in Assessments
- The Future of Mediation and Arbitration
- The Future of Child Protection in Ontario
- The New DSM-V

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Registration details to follow.

PARENTING CAPACITY ASSESSORS
ANTHONY MACRI AND CHARLOTTE MURRAY (Co-Chairs)

Set aside Friday, April 16, 2010, 2:30 to 4:30 p.m. for our next session. The topic will be *PCAs and Sexual Issues*. The cost of the event is \$20 per person.

Please join us and plan to stay longer as we will continue the discussion at a local pub following the event.

RSVP to Anthony Macri to confirm your spot and attendance at pca.afcco@gmail.com.

PUBLIC INFORMATION FORUM WORKING GROUP
Chaired by Steven Benmor

In the last few months, Attorney General Chris Bentley made a number of announcements. First, he increased the budget of legal aid in the sum of \$150 million over the next few years. Of that money, commitments were made to improve the delivery of services to spouses and parents experiencing separation and divorce. In language very dear to AFCC members, the AG declared that he would use some of the new funding to help Ontarians become better informed of the non-adversarial options to separate and instead use collaborative tools to meet the pressing needs of children experiencing their parents' separation.

Secondly, the AG announced that he will be implementing reforms to family court process in Ontario by “making the family courts easier to use, more focused and more affordable”. The “four pillars” of family reform includes providing more information to families up front, connecting families with community referrals to reach resolutions, improving access to legal advice, mediation and collaborative options, and streamlining the steps involved for those cases that must go to court. Of course, the devil is in the details and we are very interested in the Attorney General’s plans to implement these four pillars. But we are very pleased to have an AG that is paying attention to family law and is interested in non-adversarial techniques to resolve family conflict.

LAW AND SOCIAL SCIENCE RESEARCH

AFCC Ontario is always looking for interesting cases and social science research that may be of interest to our members. Please feel free to send them to afccontario@gmail.com



assessing social
science.pdf

Ramsey & Kelly (2007) present 11 tips for lawyers and judges to consider when being presented with social science “evidence”. These practical tips are equally helpful to mental health professionals who may want to use social science research when formulating parenting plans.

A Brief Summary of Family Law Initiatives

MAG Adds On-Line Document Assembly to Website Resources

Tami Moscoe, Counsel
Family Policy and Programs Branch, Court Services Division
Ministry of the Attorney General

For several years, MAG staff have been working hard to add helpful resources to the Ministry's website (<http://www.attorneygeneral.jus.gov.on.ca/english/family/>), including an extensive resource listing (link to http://www.attorneygeneral.jus.gov.on.ca/english/family/resource_list.asp), information about various ADR options (<http://www.attorneygeneral.jus.gov.on.ca/english/family/divorce/>) and information about the conduct of family arbitrations (<http://www.attorneygeneral.jus.gov.on.ca/english/family/arbitration/>). These features compliment existing resources including a variety of Ministry publications, easy child support lookup tables, and access to court rules and forms, and information about court processes.

By March 31st, MAG will add another invaluable resource for Ontario litigants, called the "Forms Assistant". This on-line program will assist family and Small Claims Court litigants who are preparing the most common family and SCC forms. Through a guided interview process a litigant or the person assisting them is prompted to provide the necessary information. The form is generated by the program based on the litigant's answers to the questions, without them having to interact directly with the form itself.

The family court forms that will be available on the Forms Assistant are the Application, the Answer, the Case Conference Brief, the new Parenting Affidavit and the Motions to Change on Consent. The program will be available free of charge at the following link: <http://www.ontariocourtforms.on.ca/english/family/>.

If you haven't done so already, I encourage you to have a look at the family justice pages of the website and to explore the resources that are there for separating and divorcing families, family court litigants and professionals working within the family justice system.