



Association of Family and Conciliation Courts Ontario Chapter

NEWSLETTER

Association of Family and Conciliation

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PRESIDENT'S MESSAGE:

The summer and fall have just blended together. I hope you have been able to enjoy both. As always, a special welcome to our new members and a huge thank you to all our continuing members. Our Ontario AFCC membership has grown to 453 members this year with 384 of those being Chapter members. This is an increase of close to 14% over the past year!

Excitement reigns as we move towards hosting the 51st Annual AFCC Conference in Toronto from May 28-31, 2014 at the Westin Harbour Castle Hotel. We encourage you to volunteer as well as submit proposals for presentations. California member attendance numbered 363 at the conference in Los Angeles in 2013 and we know we can surpass that!

Our Chapter continues to build and deliver new initiatives. As you read through our upcoming events you will see that they are consistent with our strategic planning direction that appears later in the Newsletter.

We are enthusiastically looking forward to our 5th Annual Conference and AGM on October 18th, 2013. This year's theme is "Our Families' Faces: An Examination Of Our Evolving Legal System And The Diverse Families We Serve". Co-chairs Andrea Himel and Justice Debra Paulseth with their committee have put together an outstanding program. An Annual Conference scholarship is available.

A pre-conference program for new professionals and students called "The Family Justice System as a Multi-Professional Process", will be offered Oct. 17th, 3-5pm. Please refer to page 14 of this newsletter for more information.

You will recall that the Board has three upcoming vacancies this year. Applications have been received and are under consideration by the Nominating Committee. The slate will be put forward at the AGM.

The Intensive Child Protection Training for Lawyers chaired by Justice Stanley Sherr, patti cross and Lorne Glass will be held October 16-19. This popular program has sold out quickly and looks to be as successful as the last two events.

Lorraine Martin is collaborating on our behalf with other organizations to sponsor a program with Nina Meierding on November 1-2 aimed at advanced training



for Family Mediators and Collaborative Professionals, "Moving Beyond Resistance to Creativity: Practical Strategies From Psychology, Communication and Negotiation Theory". Please check our website for more information.

Programming continues around the province. AFCC-O in Kingston just held their 4th event of the year. Vince Ramsay and his committee have generated excitement by sharing information on local resources and current topical issues. In Timmins, Jay Meunier and Lisa Barazzutti chaired a multidisciplinary program that welcomed over 70 attendees!

November 13, 2013 will see a program jointly sponsored by ADR Link and AFCC-O on "Substance Abuse and Addictions: Unique Cultural, Legal, and Clinical Considerations for First Nations Families". The program will be held at the Maawn Boosh Gumig Aamjiwnaang First Nation Community Centre in Sarnia.

Our National Family Court Justice Policy Colloquium: "Moving Forward When the Well Has Run Dry" will take place on Nov. 15th, 2013.

Finally, not to be missed is the second annual Family Law Moot in March, 2014. Last year's event was incredibly successful and generated tremendous enthusiasm among students and professionals.

I find it hard to believe my year as president is winding down. It has just sped by. Working with all of you and the Board in the furtherance of this remarkable organization has continued to be an honour and pleasure.

Many thanks for your support,

Dena

The 5th Annual AFCC Ontario General Conference

OUR FAMILIES' FACES:

AN EXAMINATION OF OUR EVOLVING
LEGAL SYSTEM AND THE DIVERSE
FAMILIES WE SERVE
BY THE AFCC ONTARIO



OPENING EVENING RECEPTION: Thursday, October 17, 2013
Spring Rolls, 40 Dundas Street West 5-7 pm

CONFERENCE: Friday, October 18, 2013 8:30 am to 4:15 pm
Toronto Reference Library—Bram & Bluma Appel Salon
789 Yonge Street, 2nd Floor (Yonge & Bloor) Toronto, ON

As our AFCC chapter reflects on the past five years in Ontario, and as we look ahead, it seems clear that we face challenges from many directions including changing demographics, diverse client populations, entrenched family conflicts and limited resources. The AFCC (Ontario Chapter) will explore these changes and challenges through our unique professional lenses by focusing on a common theme: Our Families' Faces. The goal: to develop strategies and practice tips to better serve the parents and children of Our Families. The reason: Our Families deserve our very best.

Nora Spinks, Executive Director of the Vanier Institute opens our program with a focus on modern families from a demographic perspective. The 2011 Census provides a framework that can facilitate our understanding of the evolving notion of "family", the important future trends, and the lessons we need to incorporate into our practices to best serve Our Families. Later, with former Attorney General Marion Boyd, mediator Christine Kim and moderated by Lucy McSweeney, the Children's Lawyer for Ontario, we consider Ontario's mosaic population and the impact of cultural diversity on the resolution of family law issues in the public and private spheres.

Professional empathy is crucial yet may deteriorate over time. How and why are we psychologically affected by this work? Our next session will explore these issues and, more importantly, the tactics that we can implement to avoid burn out and maintain a level of empathy that will better serve our practices and Our Families.

Perhaps the most significant change in recent years in Our Families' Faces is the increasing number of litigants without counsel. In response to repeated requests to engage in a discussion about the obstacles inherent with this change, we present "The Six-Minute Self-Rep". Our interdisciplinary panel will provide distinct perspectives and concrete tips to facilitate the movement of these cases through various parts of the family law system.

Increasingly we recognize the role of research in the development of better approaches to family law cases. Professors Nick Bala and Rachel Birnbaum will provide an update on "Our Changing Families in Academic Research". This session will inform participants about the impact of their findings on our current and future practices.

Gold, Silver & Bronze Level Conference Sponsors:

GOLD:

MacDonald and Partners
LLP

SILVER:

Feldstein Family Law Group

BRONZE:

Altmid, Roll & Associates
Avra Rosen
Dani Z. Frodis Barristers
Divorcemate

Family Solutions
J K Hannaford Barristers
Heydary Green
Torkin, Manes LLP

We are excited that Beth Godfrey, a local Toronto Jewelry designer, and Caversham Books will be selling their wares at this year's conference (cash and cheques only)



Please register soon to avoid disappointment as we expect that this year's program will sell out before the conference

To view a full conference brochure and register, visit our website at:

www.afccontario.ca/afcc_ontario_conferences.html

Or contact Natalie Savage: 416-255-2525 Email: natalie@the-planner.ca

This program has been accredited by the Law Society for 4.0 Professionalism Hours and is also eligible for up to 2.0 Substantive Hours



"WHAT IS THE AFCC-O ALL ABOUT?"

The AFCC Ontario Chapter is an interdisciplinary association of family law judges, lawyers, mental health professionals, social workers, mediators, court administrators and other professionals in the family justice system. We share a strong commitment to education, innovation and

collaboration in order to benefit communities, empower families and promote a healthy future for children. We are dedicated to providing an interdisciplinary forum for the exchange of ideas and the development of procedures to assist families

in conflict; to encouraging the improvement of courts and court procedures emphasizing collaborative methods of dispute resolution; and working to develop and improve the provision of services that aid in resolution of family disputes.

MEMBER SPOTLIGHT:

Our member spotlight section enhances our recognition of AFCC-O members throughout Ontario

JUDITH HUDDART

Born in Toronto and recent recipient of the Women's Law Association of Ontario President's Award, Judith lives in Toronto with her husband and operates a sole private practice focusing on collaborative family law, wills and estates.

She is a founding member and past Chair of Collaborative Practice Toronto, and President of the Ontario Collaborative Law Federation. She has taken extensive training to be able to offer her family law clients safe no-court options where they can be heard and empowered during the separation process. She was honored to receive the Ontario Collaborative Law Federation's James Macdonald Award in 2010.

A typical day finds her in continuous problem solving on behalf of clients in her downtown office. A devoted TTC rider, Judith has an accessible office for clients of all ages. Judith is a lawyer passionate about learning and sharing that information. A natural teacher, she enjoys meeting young lawyers and clients alike and can often be heard saying, "What did you learn from that?"

When asked about some of her favorite moments of 2012/13:

Her recent trip to Australia to attend the World Congress on Children's Rights. She considered this a great privilege and in addition met with collaborative professionals in Melbourne to further develop client intake processes for the legal profession.

When asked about something that she was proud of and why:

As a mother of two, undoubtedly her children, recently, particularly her son who completed 3 tours in the Military and who is currently pursuing post secondary education in Psychology at Royal Roads University.

Judith believes it is important for lawyers to give back to their communities and their profession. In 2003, the Ontario Bar Association presented Judith with its Award for Distinguished Service in recognition of her years of leadership and service in the Association. Judith is currently Co-Chair of the Canadian Bar Association's Women Lawyers Forum. She has served as Chair of the Association's Family Law Section and Feminist Legal Analysis Section and has devoted thousands of volunteer hours to Bar Association Committees and Continuing Legal Education programs.

Also, a past Chair of the Canadian Bar Association's National Family Law Section, Judith's underlying message to government has been that family laws and services must be practical, family-focused and affordable.

Judith also shares her expertise by writing articles and speaking on separation and divorce, collaborative family law, and wills and estates. She has been a frequent guest speaker on radio and television programs, including CBC, CTV, and TVO.

When not assisting clients and immersed in her extensive volunteer work, Judith enjoys her garden, travelling with her husband, theatre work, and her cats.



NEW AFCC-O MEMBERS:

Victoria Bailey

Justice Philip Clay

Jacqueline Iafrate

Linda Joe

Tracy Majewski

Tricia Schoester

Katherine Still

Marlies Sudermann

Elizabeth Urban

Christine Vanderschoot

Tracey Lipp

Alyson McNiece

Karen Guthrie-Douse

Lorisa Stein

Kaitlyn McCabe

Michelle Brett

Dilani Gunarajah

Raj Sharda

Peggy Wright

Justice Carolyn Jones

Robert Louis

Mark Zamriy

Jason Zhong

Rita Burgoyne

Ian Ross

Kelly Spear

Jacqueline Strybos

Mary McKerroll

Claude Grimmond

Meysa Maleki

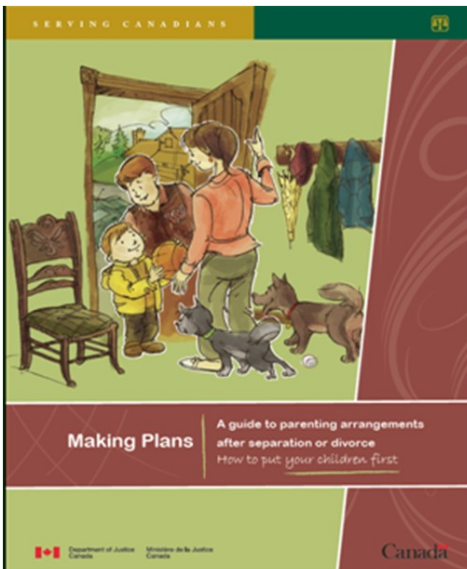
Toni Wharton

Maureen Pollard

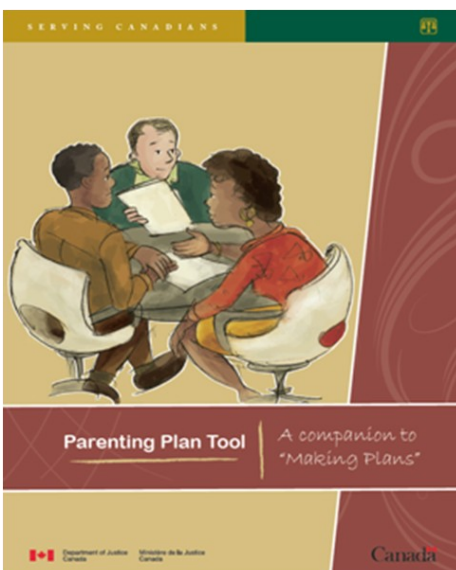
Patricia Novomestsky

Reuben Schnayer

(Cont'd on page 15)



Both
"Making Plans"
and the
"Parenting Plan
Tool"
emphasize
parents still
need to obtain
legal advice
before finalizing
an Agreement



DID YOU KNOW

The Federal Government, Department of Justice has just released Tools to Assist Parents to Consider and Prepare Parenting Plans

Making Plans gives parents information about what issues they need to address when coming up with a parenting arrangement after divorce (ex. schedule for time with children), as well as the processes that they can use to come up with this arrangement (ex. mediation, negotiation). This product promotes agreements between parents by emphasizing the importance of good communication, reducing conflict, and building a co-parenting relationship that focuses on the best interests of children.

The Parenting Plan Tool is a companion product to Making Plans. It is a practical guide to help parents develop a parenting plan. The Parenting Plan Tool contains sample clauses that parents can use as a starting point in developing their parenting plan.

We would like to make sure that these new products make their way into the hands of parents. We would appreciate if you would forward the links to these new products through your networks as appropriate.

We hope to obtain feedback on these products to support the evaluation of the *Supporting Families Experiencing Separation and Divorce Initiative*, as well as to improve the documents in the future for parents.

We thank you in advance for your assistance. If you have any questions, please do not hesitate to contact Claire Farid by email: claire.farid@justice.gc.ca

These publications can be found at:

Making Plans:

<http://www.justice.gc.ca/eng/fl-df/parent/mp-fdp/index.html>

Parenting Plan Tool:

<http://www.justice.gc.ca/eng/fl-df/parent/ppt-ecppp/index.html>

We would like to know what you think of these publications.

Please fill out the Online Surveys at:

Making Plans:

http://justice.sondages-surveys.ca/s/parenting_arrangements/langeng/

Parenting Plan Tool:

http://justice.sondages-surveys.ca/s/plan_tool/langeng/

AFCC-O COMMITTEE REPORTS:

CHILD PROTECTION LAWYERS' WORKING GROUP:

The Child Protection Lawyers Group is planning a Mentoring/Wine & Cheese evening in November.
SEE for upcoming details: www.afccontario.ca/working_groups_other_initiatives.html

PROVINCIAL PROGRAMMING COMMITTEE: (formerly the Outreach Committee) has some new exciting programs in the works. Some of our initiatives for 2013 include:

New Professional Initiative: If you are new to family justice (< 5 yrs.), then this program is for you! We will be hosting our very first New Professionals event on Oct.17/13 just prior to the AFCC-O conference. The event will provide participants with a basic introduction to the interdisciplinary nature of family law and how various legal and mental health professionals can work together to best serve the needs of separating families and children. Our esteemed panel includes: Professor Nicholas C. Bala, Dr. Barbara Jo Fidler, The Honourable Madame Justice Debra Paulseth, and Steven Benmor. SEE flyer on page 14

Substance Abuse & Addictions: Unique Cultural, Legal and Clinical Considerations for First Nations' Families

AFCC Ontario is committed to developing provincial relevance. Workshops have been supported in communities around the province including well attended events in Timmins, Windsor and Kingston. On Nov. 13/13, AFCC-O and First Nations professionals are planning a one day workshop in Sarnia: "Substance Abuse and Addictions: Unique Cultural, Legal and Clinical Considerations for First Nations Families". We will explore how some drug testing within the child welfare court can violate cultural and traditional First Nations beliefs and we will seek effective options and alternatives to mainstream approaches.

Intended as a day of interdisciplinary sharing, learning, reflecting and building relationships, the agenda includes a wide range of presentations from First Nations' traditional teachings to scientific and clinical perspectives. We will explore the issues from the perspective of the court, the CAS, and the family and we will look at options such as Alternative or Original Dispute Resolution. SEE www.afccontario.ca/provincial_programming.html

Programs under development:

How to build a thriving practice, prevent complaints and feel rewarded. Learn from our panel of seasoned professionals on how to screen potential new clients early, establish the rules, boundaries and expectations at the outset and in the retainer agreement, prevent, prepare for and manage formal complaints and build a thriving practice, maximize profit and minimize client dissatisfaction.

What We Can Learn From Adult Children of Divorce. Research and stories are shared, to provoke discussion and learning so that family law professionals can better guide their clients.

RESEARCH ADVISORY COMMITTEE:

AFCC-O is hosting a one day interdisciplinary colloquium to discuss **Family Court Policy** in this time of change and fiscal restrictions on November 15, 2013. This will be an opportunity for leaders in the family court arena to meet and discuss current trends for family courts and possible future steps.

The family law system and its litigants have been examined extensively in recent times. The definition of the family continues to evolve. Litigants are more likely to represent themselves. There is an increased focus on information and mediation services. Reforms have ranged from new processes to alternatives to the court. As public resources continue to shrink, is there still an emphasis on best outcomes for children? Where do we go from here?

AFCC-O is interested in work being done in this area across the country and the opportunity to discuss what is working and what is not. Please stay tuned as we will be posting the themes and findings from our discussion that day on our website.

In addition, AFCC-O commissioned two research papers on family court resources models and cross over children in child welfare and the criminal justice system. We are pleased to announce that Noel Semple and Nicholas Bala were the successful applicants for their proposal on family court resource models and Rebecca DeFilippis and Katie Hunter, two 2nd year law students, Queen's University under the supervision of Nicholas Bala were the successful applicants for the second RFP on cross over children. Both research reports will be posted on our website in late November, 2013. Further discussions on these exciting initiatives will be ongoing-----stay tuned!

Mission, Vision, Values

The AFCC is an interdisciplinary and international association of professionals dedicated to the resolution of family conflict. AFCC members share a strong commitment to education, innovation, and collaboration in order to benefit communities, empower families, and promote a healthy future for children.

We promote a collaborative approach to serving the needs of children among those who work in and with family law systems, encouraging education, research and innovation and identifying best practices.

The AFCC, Ontario chapter is an interdisciplinary association of family law judges, lawyers, mental health professionals, social workers, mediators, court administrators 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 to assist families in conflict; to encouraging the improvement of courts and court procedures emphasizing collaborative methods of dispute resolution; and working to develop and improve the provision of services that aid in resolution of family disputes

Vision

- Our Vision is a justice system in which all professionals work collaboratively through education, support, and access to services to achieve the best possible outcome for children and families.

Values

- Collaboration and respect among professions and disciplines
- Learning through inquiry, discussion and debate
- Innovation in addressing the needs of families and children in conflict
- Empowering families to resolve conflict and make decisions about their future



Association of Family and Conciliation Courts (AFCC), Ontario Chapter



Strategic Directions 2013 - 2018

1 Build Provincial Relationships

- Encourage locally-based programs through the creation of tools and resources for individual communities
- Develop methods to further discussions and gather feedback from members

2 Increase and Engage Membership

- Diversify membership especially reaching out to students, young professionals, judges, court administration, community agencies, mental health agencies and child protection agencies
- Provide meaningful and increased involvement of members through volunteer experiences
- Focus on membership retention
- Launch a comprehensive communication strategy including traditional communication tools and social media

3 Expand and Nurture Mentorship and Networking Opportunities

- Facilitate connections among students and professionals in the Family Justice System through: Buddy system | Student Colloquium | Social Media | Training Events | Social Events

4 Build a Reputation for Developing and Delivering Educational and Training Opportunities that

- Nurture and encourage multi-disciplinary professionals to work collaboratively
- Enhance networking relationships both locally and provincially
- Support research projects and assess outcome

5 Identify and Sustain Positive Changes in the Family Court System

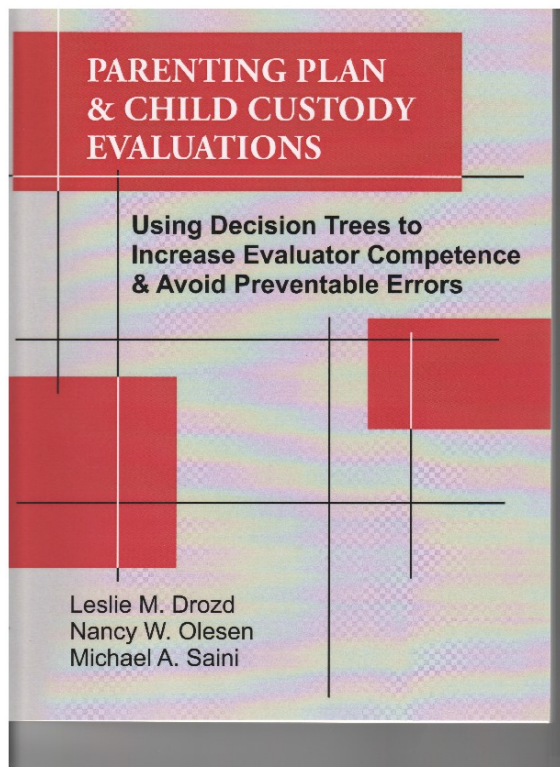
- Build on AFCC's work
- Reflect interdisciplinary dialogue
- Based on best practices/models of practice
- Include an implementation and evaluation strategy

6 Strengthen AFCC-O Infrastructure

BOOK CORNER:

Featuring recently released publications from AFCC-O members

Please let us know of any new books that we can feature for upcoming Newsletters by emailing us at: afccontario@gmail.com



Parenting Plan & Child Custody Evaluations: Using Decision Trees to Increase Evaluator Competence & Avoid Preventable Errors

Leslie Drozd, Nancy Olesen & Michael Saini

Professional Resource Press, May 2013

The three authors are active custody and parenting plan evaluators, teach workshops on custody evaluations and parenting, and review reports prepared by other evaluators. Their experience has made them acutely aware of the flaws that appear in some evaluations despite the development of professional association guidelines and standards, on-going continuing education programs on these topics, and increasing demands from the courts and attorneys for evaluations of the highest quality.

This book is about developing systematic ways to improve the processes evaluators use to create and test hypotheses, collect information, organize the information evaluators have, and analyze the data in a transparent and comprehensive way. The authors also share an interest in visual ways to organize information in these evaluations: charts, decision trees, and grids. They include many reproducible 8 1/2" X 11" checklists and tools to reduce human biases and errors and to improve the accuracy of decision making. They believe that the processes they describe may mirror the process used by judicial officers in sorting and weighing evidence, creating clusters of factors around issues, and generating decisions based on the overall evidence presented in court. These tools were "field tested" in the authors' practice and teaching, and they believe the consistency and transparency of decision making has increased with the aid of these tools.

BEST PRACTICE GUIDE

Emotional Harm and
Parent-Child Contact Problems
in High Conflict Separations



\$25 Per copy
Purchase 10 or more
copies, and receive
the group rate of
\$20 per copy.

Authored by:
Barbara Jo Fidler, Ph.D., C.Psych., Acc.FM.
Nicholas Bala, L.S.M., B.A., J.D., LL.M.
Howard Hurwitz, M.S.W., RSW

Created for the High Conflict Forum (Toronto)
in conjunction with Jewish Family & Child

This Guide addresses different types and intensities of parent-child contact problems when parents are separating or divorcing, including situations of parental alienation and domestic violence. The impact of parental conflict and the resulting emotional harm is considered in both the domestic and child welfare contexts. It provides practical advice for child welfare workers, lawyers, judges and other professionals from an interdisciplinary perspective.



Order your copy online at www.cavershambooksellers.com

FOR MORE INFORMATION, PLEASE CALL: 1-800-361-6120

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Best Practice Guide: Emotional Harm and Parent-Child Contact Problems in High Conflict Separations

**Barbara Jo Fidler, Ph.D., C.Psych., Acc.FM.,
Nicholas Bala, L.S.M., B.A., J.D., LL.M., and
Howard Hurwitz, M.S.W., RSW**

Jewish Family and Child and the High Conflict Forum of Toronto is pleased to announce the launch of the 'Best Practice Guide: Emotional Harm and Parent-Child Contact Problems in High Conflict Separations'.

This practical Guide addresses different types and intensities of parent-child contact problems when parents are separating or divorcing, including situations of intimate partner violence and parental alienation. The impact of parental conflict and the resulting emotional harm is considered in both the domestic and child welfare contexts. The Guide provides practical advice for child welfare workers, lawyers, judges, assessors, mediators and other mental health professionals from an interdisciplinary perspective.

COMMUNITY CORNER:

JusticeNet is a not-for-profit service promoting increased access to justice for low and moderate-income Canadians. JusticeNet was incorporated in 2008. Their service is intended to compliment public legal aid & pro bono programs by expanding the number of clients receiving support & by expanding the types of legal problems addressed. The service is currently limited to the Province of Ontario.

This service offers people in need of legal expertise, whose income is too high to access legal aid, & too low to afford standard legal fees. JusticeNet professionals provide services to the clients who do not qualify for Legal Aid programs, whose gross annual family income is less than \$59,000, & who have difficulties paying traditional legal fees. Income includes employment income, self-employed earnings, employment insurance, workers' compensation, pensions, social assistance, commissions, and rental income.

The professionals - licensed Lawyers,

mediators & paralegals who provide services through JusticeNet agree to devote a portion of their practice to qualifying clients at reduced fees. Currently, JusticeNet has over 450 professionals participating in the program.

The professionals in the program all share the conviction that justice should be accessible to all. They offer their skills at a reduced fee to clients of limited means, based on a sliding scale that takes into account both income & the number of individuals supported.

Participating lawyers offer a wide range of legal services covering almost all areas of law at reduced fees. JusticeNet includes participating lawyers for a variety of legal problems, including criminal matters, civil litigation, family disputes, landlord/tenant disputes, disability support, family benefits payments, accidents and injuries, bankruptcy, employment rights, human rights, immigration/refugee, refugee hearings, etc.

Paralegals are licensed to offer a limited set of legal services, such as client representation in small claims court, traffic violations, landlord-tenant disputes, & minor criminal offenses. Reduced fees are below those of participating lawyers.

Mediators offer an alternative method of dispute resolution for parties who wish to avoid court-based litigation. Taking no sides, the mediator guides negotiation that allows the parties to create a tailor-made Agreement.

JusticeNet has two arms designed to help clients connect with participating lawyers:

- A free online Directory
- A telephone hotline for individuals without a computer access at 1-866-919-3219.

For more information, visit their website:

www.justicenet.ca

FILMS:

Talk to Strangers is a short film (with an accompanying Parental Pocket Guide) that depicts the journey of David, Laura & their children, 13-year old Emily & 9-year old Nicholas, as they navigate a court-based custody evaluation stemming from the parents' inability to reach agreement on the children's residence. Prior to the evaluation, when the parents were questioned by the filmmaker about their beliefs regarding how the children would do in the court-based custody evaluation process (i.e. being repeatedly interviewed by a children's lawyer, a psychologist & a court services worker over months as well as evaluations & home visits), the parents demonstrated naivety about the harm that the evaluation process could cause their children. Their belief was that the children would be "fine" because the "system" was designed to protect kids, that it would give them a platform to be heard & that kids are "amazingly resilient".

According to David & Laura, at the outset of the evaluation, the children were very close & coping well with the separation. Nicholas was really into football & dad thought it was a great outlet for him; Emily had just been accepted into a prestigious ballet class, which was extremely important to her.

The evaluation process caused deleterious effects on the children both emotionally & on their day-to-day activities. The interviews with the professionals interfered with football & ballet. The children found the interviews to be overwhelming & intrusive, & neither wanted to participate in the process. The evaluation took 6½ months to complete, which resulted in extreme stress to the children due to the uncertainty of where they would reside & whether they would be separated. Nicholas quit football & had night terrors. Emily was so fed up with being asked questions by professionals she no longer wanted to have conversations with Nicholas which he found "mean". Their previously close relationship was severely strained.

For lawyers & other professionals who work with separating & divorcing parents, this film could be a useful addition to their toolbox. In appropriate cases, it could be shown to parents to discourage them from subjecting their children to unnecessary court-based custody battles & custody evaluations. The accompanying Pocket Guide for Parents is intended to educate them about the importance of making smart choices at the outset of their separation to maximize the chances of amicably resolving the parenting issues (e.g. retaining a settlement-focused lawyer &/or choosing mediation or Collaborative Practice). One caveat to keep in mind regarding the film & the Pocket Guide is that the process used in the Custody Evaluation & the information contained in the Pocket Guide is based on the laws of the State of Connecticut; there are some important differences in the Ontario laws, court procedures & the usual custody assessment protocol.

AFCC-O'S FIRST FAMILY LAW MOOT

People too often think of family law as the poor cousin of the profession. To compound the problem, law students seldom get exposure to it, resulting in fewer and fewer graduates becoming family lawyers. As professor Nick Bala of the Queen's University Faculty of Law stated, "Family law is often viewed as being at or near the bottom of the 'academic pyramid' within law schools." A 2009 report that considered law students' perspectives on family law practice by the West Coast Legal Education and Action Fund confirmed Bala's view.

The Association of Family and Conciliation Courts' Ontario chapter is seeking to change that attitude. One of its many efforts was Canada's first provincial family law moot competition, the Walsh family law moot, in Toronto on March 16, 2013.

The question to ask, of course, is why was our moot the first province-wide family law moot in Canada? After all, there are a number of different moots dealing with areas such as corporate law, tax, intellectual property, aboriginal rights, criminal practice, the Charter of Rights and Freedoms, and public international law. Why did this take so long? It seems people often consider family law more like social work and, as a result, law students are not that interested in it.

None of the Walsh family moot participants would have agreed with that sentiment. Judges from all three levels of courts and experienced family law practitioners came out to support and judge the law students' first foray into the world of family law moot. Various law firms from across Ontario as well as *DIVORCEmate* and *MySupportCalculator* helped fund the moot. Scores of family lawyers contacted us to volunteer their services and skills to assist with the day. All in all, the day offered a tiny glimpse into the collegiality of the family law bar and the judiciary.

It is only fitting that the moot is named after former Justice George Walsh, a pioneer in family law. Walsh was the leader of the family law division of the Toronto region's Superior Court of Justice and very involved in family law reform and alternative dispute resolution. He developed a team approach to adjudicating family law cases that was the envy of every other jurisdiction. For example, he was a pioneer in early case management. He also helped establish the first mediation service at the Superior Court of Justice. It is only apt, then, that the establishment of a moot to try to encourage law students to choose family law would acknowledge Walsh's work.

When it came time to invite the law schools to participate, the responses were overwhelmingly in favour. Similarly, on the day of the moot, the participants arriving at Osgoode Hall were brimming with excitement. The students and their supervisors arrived early as they were anxious to start the day. Every single volunteer showed up. Walsh and his wife Mary arrived to observe the moot teams.

Participants practised real law that day. The teams argued twice in front of different judges. The panel of three judges scored the mooters according to preset guidelines, including speaking ability and delivery, organization of their argument, questions from the bench, and preparation and development of their case.

Chief Justice Annemarie Bonkalo of the Ontario Court of Justice joined Walsh to present the awards. Osgoode Hall Law School took home the cup this year. In addition, Osgoode took first and second place for appellant and respondent teams.

There was a valuable lesson here. In 1989, an actor playing a farmer walked onto his field and heard a voice that whispered, "If you build it, they will come." It took a long time to hold the first family law moot in Ontario. Thankfully, it will not take long at all to hold the next one. Plans for the 2014 Walsh family law moot are underway. We plan to keep building on our efforts to acknowledge the importance of family law.

patti cross is family counsel with the Ontario Court of Justice. She's also a board member of the Association of Family and Conciliation Courts. Those interested in the moot can contact the association at afccontario@gmail.com



**Save the date for
next years moot!
March 15, 2014**

**"Family law is often
viewed as being at
or near the bottom
of the 'academic
pyramid' within law
schools."**

**"The AFCC-O is
seeking to change
that attitude"**



**Visit our website
for info. on next
years' Moot,
Advertising & and
Sponsorship
Opportunities:**

[www.afccontario.ca/
walsh_family_moot.h
tml](http://www.afccontario.ca/walsh_family_moot.html)

The Information and Referral Coordinator (IRC): An Essential Resource in the Family Court System

Jared Norton, MSW, RSW, Acc.FM



"It goes without saying that the family court system can be a stressful, adversarial, and confusing environment, especially for the self-represented litigant."

Addressing the complex needs of court clients and assisting them in navigating the court system is integral to ensuring the court runs efficiently. This is especially true for the self-represented client. In recognition of this, the Family Law Information Center (FLIC) and those who staff it, provide essential services for self-represented and represented litigants, in courts across Ontario.

Managing the work load at the FLIC requires various elements working in tandem; Advice Counsel, Court Staff, Mediators, Domestic Violence Workers, Law Students and of course, the Information and Referral Coordinator (IRC). While the role of the IRC is relatively new in some courts, and may be different depending on the policies and culture of the specific court, there is no doubt that the IRC is a position that has incredible purpose and impact.

On paper, the role of the IRC appears straight forward. Our mandate is to help clients understand their needs and to make referrals to appropriate services. Amongst other duties, the IRC provides information on issues related to separation and divorce, child custody matters, and parenting issues. We provide information on alternative dispute resolution options, such as mediation, and we actively promote it. I am still surprised at how many people, even those clients who are court veterans or those that are represented by counsel, have never heard of mediation and have no idea that it is offered at the court.

The IRC will provide referrals to mediation, appropriate counsel and legal services, and domestic violence workers. Recognizing that the impact of divorce and separation go far beyond what can be addressed through the court process, the IRC also provides referrals to community agencies for everything from counseling to translation services, to housing and immigration services. Most importantly, we provide referrals to services for children, especially those who may be caught in the middle of their parent's separation.

But a primary benefit, as I have discovered, is often something entirely different than mere information.

It goes without saying that the family court system can be a stressful, adversarial, and confusing environment, especially for the self-represented litigant. For those that are new to the 'system', it is often trial by fire. They show up at the court, having somehow summoned the energy, courage, and determination to act, perhaps to file an application, recognizing that life is about to change. Often, they know very little about where they are headed and even less about how they will get there; but they do know that anywhere is better than where they are. Perhaps they have done some preliminary research, talked with a friend who has been through something similar, or they are armed with a vague pseudo understanding of court process.



IRC—An Essential Resource in the Family Court System —Continued

Regardless of how they got there and what they know, there will be questions, concerns, anxiety and emotionality. Likely, there will be mistakes. They will be looking for answers, they will be looking for resources, and they will be in need of direction. But the court system can be unforgiving. It has an unrelenting tempo and at times an unwelcoming attitude. The court system is full of contrast and grey areas, and for every example of kindness and hope, there is another of hostility and despair.

There are language barriers, cultural barriers, barriers of socio-economic status. Clients experience domestic violence, mental health issues, disabilities, and possess varying degrees of strengths and challenges that may help or hinder their ability to navigate the system. On top of that there are the many ways that we as professionals and court workers may contribute either positively or negatively to their experiences and outcomes.

The reality is that notwithstanding the commitment and devotion of the individual judges, family law professionals, court staff, and everyone who seeks to support court service users, the court system can be deficient in dealing with much of the sequelae associated with divorce and separation. It is simply not equipped or resourced to address the emotionality, the uniqueness, or the challenges of each case. It has a limit to its ability to empathize and to manage emotions. It is largely a world of forms and procedures.

Providing an empathic human element to the process is what the IRC can do best. This includes preparing people to navigate both the court environment and separation / divorce in its entirety. This does not necessarily require a lot of time, simply the right approach, questions, and attitude. It requires the good listening skills and an appropriate level of engagement. The IRC is about professional and personal connection and the recognition of the human experience as it pertains to family law matters.

Dialoguing with the IRC provides an opportunity for court system users to have candid and confidential conversations - an opportunity to reflect on events and share information that may be overlooked or deemed irrelevant elsewhere in the process, but is highly relevant to clients. As a social worker and clinician my conversations often reflect my education and clinical experience. I have shared with clients information about the importance of self-care routines, how to be more organized, and how to regulate emotions. I have been a sounding board for people's inner debates and concerns, and have been granted a special view into people's emotions and experiences, many of which are revealed for the first time to the IRC.

Each conversation can provide a moment to transcend the process and the environment, and to connect with another person. Importantly, it can provide opportunities for education and growth. These dialogs can shift a client from being a passive participant to an active one. Once this occurs, clients can leave more centered and better prepared for the challenges ahead. They can leave knowing they have been heard and respected. Taking the time to provide this opportunity and establish this connection is why the IRC is an essential resource in the family court system.

Jared Norton, MSW, RSW, Acc.FM, is a therapist and accredited family mediator in private practice in Toronto, Ontario

website: http://empowermentpractices.net/Home_Page.html

He is also an IRC with mediate393 inc. at the Superior Court in Toronto.



An Intern-Mediator's Reflection on the Journey of Becoming an Accredited Mediator and Ten Tips for Future Interns

Meysa Maleki, Hon. Bsc., LL.B.



The person who rigorously maintains the clarity to stand confidently in the abundant universe of possibility creates an environment around him generative of certain kinds of conversations. We come to trust that these places are dedicated to the notion that no one will be made wrong, people will not be talked about behind their backs, and there will be no division between "us" and "them". These environments produce astonishing results that can take people in wholly unexpected directions, perhaps because all their gates are open - inviting us to play in the meadows of the cooperative universe.

-The Art of Possibility, Benjamin Zander

So I am about to become an accredited family mediator. Next to the birth of my son and marrying the man whom I love, this has been my proudest accomplishment.

"We choose mediation because we are convinced of its practical benefits particularly in the context of family law where we help couples resolve their legal issues and post-separation parenting arrangements in a cost-effective and timely manner."

As mediators in training, we learn a lot about ourselves. As a family law lawyer, I seldom stopped to look inward and when I did, it wasn't because the practice of law was demanding it of me. Mediation, on the other hand, demands that we first examine and reflect on our own relationship to conflict, to identify our own vulnerabilities in a conversation, and to become increasingly more competent at handling the inter-personal realm.

We also learn about the possibility of a cooperative universe and this immediately appeals to the better angels of our nature. It responds to our call for self-actualization. As the great Persian poet and philosopher, Jalal ad-Din Rumi poignantly said, we learn that "beyond the ideas of wrong doing and right doing, there is a field." We are instantly charmed by the possibilities that this field offers.

Quite away from a philosophical discussion of mediation, we choose mediation because we are convinced of its practical benefits particularly in the context of family law where we help couples resolve their legal issues and post-separation parenting arrangements in a cost-effective and timely manner. We are proud that a side effect of our efforts is to provide the children with a more predictable world, one that is less hostile and perhaps even a little friendlier.

As an intern-mediator, I had the incredible opportunity to watch both newly accredited family mediators and more experienced family mediators help couples solve their legal problems and post-separation parenting issues. I witnessed both lawyers and mental health practitioners move high conflict clients through many difficult conversations. I had the opportunity to co-mediate and even lead my own mediation from beginning to end. I am grateful for the vicarious learning, the coaching, and the mentorship that the internship opportunities afforded me.

In hindsight, below, I share ten tips with up and coming interns to make your internship experience even more satisfying:

1. **Prepare, Prepare, Prepare.** Of course, if it's your own mediation or if you are co-mediating, preparation can make the difference between getting an agreement and not getting it. When I moved into the co-mediation phase of the court internship program, preparation always gave me the structure and the confidence to guide the parties towards resolving some of their issues. Although the benefits of preparation may not be obvious to us if we are observers, I always received more from the process when I was prepared. You also never know when you may be asked to lead the mediation.

An Intern-Mediator's Reflection on the Journey of Becoming an Accredited Mediator and Ten Tips for Future Interns—Continued

In one of my mediations, the lead mediator asked me to lead when I wasn't expecting this. Preparation gave me the confidence to get the mediation off to a good start.

2. **Become familiar with both the Agreement to Mediate and the MASIC as soon as you start your court mediation internship.** The first time I was asked to take a client through the Agreement to Mediate and the MASIC, I missed the client's non-verbal cues because I was constantly looking down on paper. As an intern mediator, you will have a lot more control over the process once you are familiar with them. Familiarity with the MASIC is especially important. The MASIC can be a tricky tool as you want to ensure the client doesn't feel cornered by the questions you ask. Familiarity with the tool and experience after a few runs helped me use the MASIC more organically as many of the questions were covered during the normal course of the conversation.
3. **Remember that intake forms are just a starting point.** In one case, from a review of the intake forms, I commented to the lead mediator that safety was likely not an issue. After screening, it soon became obvious that one of the partners was at high risk of separation induced violence by the other partner. The lead mediator spent much of the time coaching the party about safety.
4. **Don't buy into your hypothesis of the conflict dynamic until you have met both sides.** Meeting the second person almost always changed my hypothesis about the conflict dynamic. In fact, remain open to revising your hypothesis throughout the mediation.
5. **Become familiar with the work of Bill Eddy and how to approach high conflict personalities.** In one case, my reality testing questions of a high conflict personality were perceived as a confrontation by the high conflict individual. Luckily, my co-mediator was there to change course and I, of course, went home and read his book!
6. **Take work with you when you are on-site.** You may spend the entire day there without any cases being referred by the judges.
7. **Witness at least one case on-site.** It's invaluable to watch how mediators approach a mediation where they are allotted 2 hours from beginning to end.
8. **Don't always play it safe.** As an intern, we are often very cautious of the impression we are making. It is as if we are not only aware of the mediation but also hyper aware of our own behaviour as mediators. This can get worse with more experienced co-mediators because of our perception of their power, based on their skills and experience, relative to ours. This can get in the way of asking some powerful questions that uncover deeper interests. Remember, your co-mediator was once an intern mediator and is not there to judge you. This is the time to ask those powerful but more risky questions and get feedback.
9. **Don't be afraid to coach the parties at the intake and screening session.** Although every mediator brings his or her own style to mediation, a co-mediator's up stream coaching of the parties at the intake and screening session can be highly beneficial to moving the parties forward in mediation.
10. **Be patient with yourself and enjoy the journey.** And remember to take a pitcher of water and four cups to the mediation room. Your co-mediator will appreciate your efforts!

Meysa Maleki is a Toronto-based lawyer, family mediator, and the President of Influential Mediation™, an Alternative Dispute Resolution Law Firm offering Family Law Mediation Services and Professional Advancement Training. www.influentialmediation.com

She completed an internship at Mediate393/Riverdale Mediation and with Dr. Barbara Fidler. She is grateful for the support and mentorship of the talented mediators and dedicated mediation professionals who made her journey as an intern-mediator extraordinarily rich.

UPCOMING CONFERENCES & EDUCATIONAL EVENTS:

AFCC ONTARIO PRESENTS THE



NEW PROFESSIONALS *Initiative*

Who is the AFCC? The AFCC is an interdisciplinary and international association of professionals dedicated to the resolution of family conflict. AFCC members share a strong commitment to education, innovation, and collaboration in order to benefit communities, empower families, and promote a healthy future for children.

Purpose:

To bring together new family law professionals (lawyers and mental health professionals in their first five years of practice) to examine and discuss interdisciplinary and collaborative approaches to family justice.

All registrants are encouraged to attend the complimentary AFCC Ontario networking event following this program.

You're Invited to...

"The Family Justice System as a Multi-Professional Process"
October 17, 2013 at Spring Rolls (40 Dundas Street West)
from **3:00 p.m. to 5:00 p.m.**

Panel: Professor Nicholas C. Bala, Dr. Barbara Jo Fidler, Steven Benmor & The Honourable Madame Justice Debra Paulseth

The event will provide participants with a basic introduction to the interdisciplinary nature of family law and how various legal and mental health professionals can work together to best serve the needs of separating families and children. Goals include educating and supporting new family justice professionals and building professional relationships.

Cost: Free for those attending AFCC-O's Annual General Conference
\$30 for those attending only this event.

Inquiries regarding registration should be directed to Angela Khelem via email: angela@benmor.com

If you are interested in attending the event, please fill out the following survey:
<http://fluidsurveys.com/surveys/whitehead/afcc-on-new-professionals/>

The AFCC, Ontario Chapter provides opportunities for our members to network and share their interdisciplinary views of family court matters on a local level and within a Canadian context.

Child Protection Training Program for Lawyers

The LSUC is partnering with AFCC-O on this training program for lawyers, Oct. 16 to 19th, 2013.

AFCC Regional Training Conference November 7-9, 2013, The Westin Crown Center, Kansas City, Missouri

Visit www.afccnet.org for further details

Moving Beyond Resistance to Creativity: Practical Strategies from Psychology, Communication and Negotiation Theory, with Nina Meierding, Nov. 1-2, 2013, Metropolitan Hotel, Toronto. Co-sponsors AFCC-O, ADRIO, FMC, OAFM, & OCLF.

Children Caught in the Crossfire: Responding Effectively to High Conflict Families in Custody Disputes—Toronto Oct. 23/24/13; NY City Nov. 8-9/13; Toronto Jan. 15-16/14 & May 7-8/14. Contact Gerda Summer: gsummer@hincsdellcrest.org for further details

Course flyers for workshops in Ontario can be found on our website at: www.afccontario.ca/seminars_&_workshops.html

AFCC 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 on-line 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 listserv of AFCC members.

Special member discounts to attend AFCC Conferences, training programs and publications.

"AFCC-O" members are eligible to receive discount pricing to attend our annual conferences and events, which provides ample opportunities to participate in local working groups and initiatives. Check out our new Kingston group & their upcoming events and initiatives on our website at:



www.afccontario.ca/working_groups_other_initiatives.html

NEW AFCC-O Members (cont'd from Pg. 3)

Jay McGrory	Beatrice Hancock	Meredith Rady
Tina Hinsperger	Darlene Murphy	Linda Smith
Shelley Pomerantz	Cathy Smuk	
Sharon Silbert	Maxine Kerr	
Courtney Cottle	Maria Aurora Nunez	
Marlo Shaw	Bill Carty	

As of September 1st, 2013 we had 445 AFCC members in Ontario, of which 376 are Ontario Chapter Members!

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

www.afccnet.org/Chapters/JoinaChapter

"To apply for an AFCC Scholarship visit our website at: www.afccontario.ca"



NICK BALA SCHOLARSHIP:

The AFCC-O honours professor Nicholas Bala with an annual 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 many areas of family justice issue.

Scholarship Applications are due January 15th each year.

An annual award of \$1,000 will be granted to a student in either a graduate program in social work or law, or in a joint social work/law program, psychology or medicine (psychiatry) at a publicly funded university who is interested in interdisciplinary work in family law.

Information on past award recipients, and applications are available on our website at: www.afccontario.ca



Family Law in Ontario

www.yourontariolaw.com



Your Law: Family Law in Ontario is a website that offers parents free information and access to resources on the emotional, financial, legal and social considerations relating to child custody, access and child support.

Your Law: Family Law in Ontario provides access to family law information available through the Ministry of the Attorney General, Department of Justice, Legal Aid Ontario, Community Legal Education Ontario and other organizations – all in one convenient website.

www.yourontariolaw.com

The first stop for the information parents need to make the best decisions for themselves and their family.

What can be found on www.yourontariolaw.com

- ✓ Information about options based on various situations
- ✓ Information for children about separation and divorce
- ✓ Online help to complete court forms
- ✓ Links to information about the Family Law Information Centres across Ontario
- ✓ Access to the online Family Law Information Program
- ✓ Help to find a courthouse
- ✓ Resources about what you can expect when going to the courthouse
- ✓ Guidance on the legal system and legal terms
- ✓ Help to find a lawyer
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Meysa Maleki is pleased to announce the opening of her family mediation practice

Meysa has worked for two of Canada's most respected family law firms, Niman Zemans Gelgoot LLP and Alfred Mamo & Associates. She was co-counsel in a landmark decision where the Court of Appeal for Ontario ruled that a five-year-old Ontario boy has three legal parents.

In the political arena, Meysa served as Senior Policy Advisor to Ontario's Health Minister, the Honourable Deb Matthews. Mediating multilateral interests in a variety of high profile files such as drugs, cancer and in particular, women's issues, Meysa led the implementation of the Government's Domestic Violence Action Plan and took a leading role in the expansion of the Ontario Breast Screening Program to high-risk women ages 30 to 69.

Meysa's mediation training has included Harvard Law School's Negotiation and Leadership Program. She has completed an internship in family mediation at Mediate 393/Riverdale Mediation and with Dr. Barbara Fidler.

Meysa volunteers her time mediating cases on behalf of St. Stephen's Conflict Resolution Service and is on the board of the Barbra Schlifer Commemorative Clinic

For further information, visit our website at www.influentialmediation.com

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Call for Proposals

AFCC 51st Annual Conference Navigating the Waters of Shared Parenting: Guidance from the Harbour

TORONTO

Westin Harbour Castle

May 28-31, 2014

There is limited consensus about the term "shared parenting" after separation and divorce. It may refer to parenting time, quality, decision making or responsibilities; it has multiple labels, including joint or split custody, access, time sharing and parallel parenting. Many believe shared parenting to be a worthy goal; others caution against presumptions and unintended consequences. Join AFCC for this ongoing conversation about the pros, cons, challenges and opportunities that shared parenting presents for children, families, practitioners, researchers, policymakers and advocates.

AFCC is accepting proposals for 90-minute workshops. Proposals must be submitted using the online form accessible at www.afccnet.org and are **due no later than Thursday, October 3, 2013**. You may choose one of the topics listed below, submit a proposal on an idea related to the conference theme or choose your own subject.

Statutory presumptions	Family court service innovations	Mediation
Same-sex marriage, parenting, divorce	Voice of the child	The mobile family
Shared parenting and relocation	Shared parenting across cultures	Parenting coordination
Family law across cultures	Family law reform initiatives	Child custody evaluation
Shared parenting and domestic violence	LGBT family law issues	Social science research
Gatekeeping		Technology and family law

*University faculty members are encouraged to bring graduate students as co-presenters.

AFCC is accepting proposals for ninety-minute workshop sessions. To submit a workshop proposal, please prepare the following information: (1) an abstract of 250 words or less describing your proposed workshop; (2) a workshop title (limited to 80 characters in length) and a "program ready" description of your proposed workshop (80 words or less) for the conference brochure. AFCC reserves the right to edit descriptions for consistency; (3) a description of the relevance of your workshop to the AFCC community (250 words or less); (4) for research proposals, include brief descriptions of your methodology, results, conclusions and applications for practice, policy implications and future research (250 words or less); (5) three learning objectives that will be addressed by your proposed workshop; (6) complete contact information for all proposed presenters; (7) the name of the person who will coordinate your workshop; (8) contact information for two professional references; and (9) resumes for all proposed presenters. (emailed to afcc3@afccnet.org). If you do not receive an e-mail confirming receipt of your proposal within one week of submission, contact AFCC by telephone at (608) 664-3750.

There is a maximum of four presenters per workshop and two proposals per presenter. Please note that the deadline for proposals is October 3, 2013. AFCC is unable to guarantee consideration of incomplete proposals or those submitted after the deadline. AFCC offers reduced registration rates for conference presenters. AFCC is not able to reimburse for travel and related expenses. All proposals must be submitted via the online form, accessible at www.afccnet.org. Please direct any questions to Carly Wieman at (608) 664-3750 or afcc3@afccnet.org.

AFCC strives to accept proposals from as many presenters as possible while also limiting presentations to one per person. This is not always possible; however, please be aware that any presenter submitting multiple proposals with different co-presenters often results in the rejection of one of the proposals, and therefore those co-presenters.

www.afccnet.org

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

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Visit www.afccnet.org for details on this upcoming event!

The conference program brochure will be available online
in late-December and in print format in January 2014.

**Watch for our Spring 2014 newsletter in March
for local information and conference details!**

