AFCC ONTARIO BOARD

PRESIDENT'S MESSAGE

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See "Inside this Issue" now located on Page 2

Dear AFCC Ontario Chapter Members and Colleagues,

With the return to school in September, the AFCC Ontario board members are working hard to prepare for our annual conference, and on a variety of other projects. As well, we will welcome a number of new board members from across Ontario on October 21, 2016. This is a sign of our success as a provincial organization whose membership and leadership represent the various professions that make up the family justice system.

The 8th AFCC Ontario Annual General Meeting and Conference will be held in downtown Toronto. Commencing on October 20, 2016, an early afternoon session for young professionals will be followed by a Pre-conference Institute on the practice skills required for effective direct examination, cross, and re-direct examinations. The day will conclude with the annual social event.

The next day, on October 21, 2016, we will present our engaging program entitled, Navigating the Steps to Family Resolutions: New Directions in a State of Uncertainty. Our keynote speaker, Dr. Robin Deutsch, will speak on the topic, Big Issues, Baby Steps: Moving Difficult Cases to Resolution. On this day, we will also remember the Honourable Justice Geraldine Waldman and Lorraine Martin, by presenting awards in their names.

Later in the month, on October 27 and 28, 2016, we will look forward to the Intensive Child Protection Training Program for Lawyers, a joint initiative with LSUC.

On behalf of Justice M.L. Benotto and the Family Law Rules Committee, we have sought input from our members on the issue of costs in family law matters. We have also consulted our membership on possible roles for non-lawyers in the Court system. Both of these projects re-confirm our members' commitment to remaining engaged in family law policy work, as well as our board's commitment to exploring these issues from a multi-disciplinary perspective.

...continued on page 2

PRESIDENTS MESSAGE - continued from page 1

In my Spring 2016 report I wrote that Ms. Wilson-Raybould, Canada's Minister of Justice, received a mandate letter that includes the possibility of a unified family court. At that time I reflected that it seems we live in uncharted waters with exciting times ahead. I continue to remain optimistic about the viability of a unified family court, and that this initiative and other important family law projects will be prioritized in the near future.

By the time you receive this newsletter, our newest research project will be available to our members. It is entitled, Supervised Access as a Stepping Stone Rather Than a Destination: A Qualitative Review of the Interventions, Services and Programs that May Assist Families to Move Away From Supervised Access. Our annual conference will include an engaging panel discussion on the topic of supervised access and this important research.

We are also building on the report that resulted from last year's research project, which focused on domestic family law cases that intersect with the child protection system. These high conflict cases are some of the most challenging, and warrant our attention to establish the best possible responses.

In closing, a big thank you to the AFCC Ontario Board, our AFCC-O Administrator Kimberly Brown, and our membership for an invigorating year. As I exit the role of President on October 21, 2016, I am appreciative of the opportunity to have led this amazing organization. I am proud of what we have achieved together over the past year. I concur with Aristotle, who once said, "The whole is greater than the sum of its parts".

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

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SPECIAL AWARDS



On June 2, 2016 the Ministry of the Attorney General honoured the London Family Court Clinic (LFCC) as a recipient of the 2016 Victim Services Award of Distinction. Dr. Dan Ashbourne, the Executive Director of the LFCC, is a board member and Vice President of the AFCC-O.

For over 40 years, the LFCC has served children and families involved in the justice system. The work of the LFCC focuses on helping children and families to be resilient in overcoming their challenges, and to gain strength to move towards a brighter future. Resilience allows all people to achieve, to overcome barriers, to "bounce back", and to be the best that they can be.

The LFCC was opened in 1974. It is a not-for-profit, registered charitable organization. The focus of the LFCC is to provide professional and therapeutic services to children and families who are engaged with or are at risk of being linked to the justice system. The services are highly specialized, delivered across multiple geographic areas and constitute a unique set of responses to children and families with complex needs, often involving multiple children's agencies. The work of the LFCC is important to judges and others in the justice system, community organizations, other children's services, parents and guardians, and others.

The LFCC is internationally recognized and is seen as a leader in services for children and families connected to the justice system.

The AFCC-O congratulates the LFCC for being recognized by Ontario as an organization that has provided support and advocated for victims of crime.



At our 8th Annual Conference on October 21, 2016, the AFCC-O will present two special awards in memory of our colleagues:

The Honourable Justice Geraldine Waldman Award for Excellence in the Intersection of Family Law and Criminal Law Relating to Domestic Violence;

and

The Lorraine Martin Award for Excellence in Dispute Resolution

AFCC ONTARIO CHAPTER 8th AGM & ANNUAL CONFERENCE

Please join us for the 8th AFCC Ontario AGM and Annual Conference, **Navigating the Steps to Family Resolutions: New Directions in a State of Uncertainty.**

October 20, 2016: Pre-Conference Events



Location: Children's Aid Society of Toronto, Central Branch, 30 Isabella Street, Toronto, ON

The New Professionals Committee brings together legal and clinical professionals in their first five years of practice to examine and discuss interdisciplinary and collaborative approaches to family justice. Each year, the committee organizes a panel of senior family law judges and practitioners to discuss a topic of interest. This year the event will explore strategies for dealing with mental health challenges in family and child protection cases. The panel discussion is interactive providing ample opportunity for "Q&A". This session will be held from 1:00 p.m. to 2:15 p.m., before the Pre-Conference Institute.

The Pre-Conference Institute will present a mock trial with Dr. Irwin Butkowsky being examined and cross examined by Harold Niman and Patrick Schmidt. The process for having a mental health professional declared an

expert will be reviewed and the strengths and weaknesses of the expert's report will be critiqued throughout the mock trial. Legal professionals will learn techniques to conduct an examination in chief and cross examination. Mental health professionals will learn how to give evidence consistent with the scope of their expertise. The Honourable Justice Debra Paulseth and the Honourable Justice Heather McGee will preside to keep order in the Court! This session will be held from 2:30 p.m. to 5:30 p.m.

The annual social event will take place at Spring Rolls Restaurant immediately following the Pre-Conference Institute, from 5:30 p.m. to 7:30 p.m. This Spring Rolls, a new venue, is conveniently located at Yonge and Bloor (691-693 Yonge Street, Toronto), a short stroll from where the afternoon session will take place.

October 21, 2016: AGM and Annual Conference

Location: Toronto Reference Library (Bram & Bluma Appel Salon), 789 Yonge Street, Toronto, ON M4W 2G8

We are pleased to present our keynote speaker, Dr. Robin Deutsch, who will address the topic, *Big Issues, Baby Steps: Moving Difficult Cases to Resolution.* We are equally excited about the balance of our program which includes sessions in: The Intersection of Parenting Time and Child Support; Protecting Yourself from the Difficult Client; The Voice of the Child; Parental Estrangement: Identifying Risks and Early



Interventions; Supervised Access; and our annual update on important child-related cases.

Our diverse group of speakers includes: Justice George Czutrin, Justice Frances Kiteley, Justice Lise Parent, Justice Gerri Wong, Justice Roselyn Zisman, Nick Bala, Brian Burke, Linda Chodos, Philip Epstein, Andrea Himel, Katherine Kavassalis, Alf Mamo, Martha McCarthy, Judy Newman, Michael Saini, Denise Whitehead, and others!

We look forward to seeing you at the Conference.

AFCC ONTARIO CHAPTER 8th AGM & ANNUAL CONFERENCE

Special Thanks to our 2016 Conference Sponsors!*

GOLD SPONSORS









SILVER SPONSORS

















*Sponsors shown at time of print only. Additional sponsors will appear on our 2016 Conference webpage

Register at this link: www.cvent.com/events/afcc-ontario-agm-annual-conference-2016/event-summary-b6fca87df6c14f948e84b41f2d4574cf.aspx

Registration inquiries may be directed to our conference planner Natalie

Savage: natalie@the-planner.ca or (416)255-2525

AFCC ONTARIO

Download our Conference Brochure and Agenda at: www.afccontario.ca/2016-afcc-o-conference/

The Law Society of Upper Canada has accredited our programs:

October 20/16

Pre-Conference Institute—1 hour professionalism content and 2 hours substantive content

The New Professionals Program—1 hour and 15 minutes of substantive content

October 21/16 Eighth Annual Conference (full day attendance only)

- 1 hour and 50 minutes of professionalism content &
- 3 hours and 45 minutes of substantive content

The American Psychological Association sponsors continuing education for psychologists and has approved our program for 5.5 hours



THE LITTLE RED CARPET: THE TEDX EXPERIENCE



I am a lawyer who is now also a teacher. One busy day last fall I was working with a student when, as we wrapped up, she said she had "just one more thing". She told me about how she was working with the Queen's TEDx program. Like most, I've watched, re-watched and shared TED talks and have collected many gems from brave and interesting people who present their ideas from that little red carpet. But I knew little about the franchise and I listened with interest as my student told me about her volunteer work. Then she asked if I would agree to be a speaker.

After a confused pause, I explained to her she had made some sort of mistake. I pointed out to her that TED speakers are accomplished, innovative people with interesting ideas to share and, even as I spoke, I was considering a list of people who I could recommend and who fit that

bill. Then slowly and gently as if giving me the time to catch up, she said "But ... that's what we think of you." We all have moments that mark us forever and that was certainly one of mine. With little confidence that I was the right person for the job and even less time to offer to the effort, I looked into my student's earnest and trusting face and said the only thing I could: "Yes".

The TED franchise is quite an operation. I was assigned a coach to help me work through my ideas, but first those ideas and the speech had to come from me. It's humbling to spend time asking yourself what you have to say that nobody else can say and it's stressful to have such a daunting task assigned to you with a deadline. I would find time for quiet contemplation here and there, usually while walking my dog; time and again I came back to that transformative moment with my student. Eventually I came to examine other such life moments and how the resulting lessons affected or even redirected my life. Once my message began to take shape I started to tackle the many practical considerations of pulling it all together: which stories to use and which to let go, how to keep the presentation to less than eighteen minutes, and generally how best to deliver it to a live audience.

Now, here's the thing - my speech was planned for an audience of several hundred Queen's students, but it was also being recorded. And posted on YouTube. Forever. For. Ever. This detail that revealed the true potential for my humiliation was included somewhere in the paperwork I had signed. But what one is told and what one registers and retains aren't always the same thing. And really, thank goodness for that. If I had thought more about how indelible the experience would be, I might have been spurred to make the presentation more polished. I might have gotten a haircut. But polish isn't everything and some of my favorite parts were the result of me just having fun. More stress and focus may well have resulted in a lesser outcome. Certainly it would have been a different one.

I took a chance on a creative offering that I am grateful to say was warmly received. I have a small glimpse into the experience of a painter or song writer when people tell me how they've interpreted my message and they share similar life experiences, thoughts and lessons. I'm surprised at how differently many of the things I conceived were later grasped and I've come to think of my offering as a gift freely given – for listeners to do with as they see fit – and I continue to learn from people as they tell me about what they have learned from me.

THE LITTLE RED CARPET: THE TEDX EXPERIENCE - continued from page 6

Which brings me to my favourite reflection on the experience: I created and delivered a theme and it turns out that I had also applied my own advice in the process. I offered up my thoughts and stories to perhaps effect change and did so with little regard for whether others would reject my ideas as wrong. I went forward willing to fail but also knowing that I might not. Last of all, I dumbed the process down by discarding just enough of the available information (YouTube?!) to keep me from scurrying fearfully away from, rather than cheerfully toward, that little red carpet.

Karla McGrath practices Family Law in Kingston. She is the Director of the Queen's Family Law Clinic and she teaches Children's Law at the Queen's Faculty of Law. She is also a member of the AFCC-O Board of Directors and one of the founding members of the AFCC-O's Kingston working group. Her talk is entitled "Too Soon Old, Too Late Smart: Advice For My Younger Self" and you can view it on the TEDx YouTube channel at:

www.youtube.com/watch?v=Xx41zhxQ2jY



Karla McGrath, JD, LL.M., AFCC-O Newsletter Committee

DEPARTMENT OF JUSTICE CANADA—DIVORCE AND SEPARATION VIDEO



Justice Canada has produced a new video to help families going through divorce or separation by guiding them to a range of free family justice tools and products available on the Justice Canada website at this link:

www.canada.ca/en/services/policing/justice/familylaw.html? utm_campaign=justice-

<u>familylaw 20160219 policing&utm source=unspecified&utm medium=vanity-url&utm content=canada-ca-familylaw</u>

The video has accessible captioning, and runs under two minutes. This brief video was designed to promote the use of Justice Canada Public Legal Education and Information (PLEI) products and services that may help Canadians when resolving their own family law disputes. It was also designed to convey key messages and information about legal issues and responsibilities related to separation or divorce, including the importance of focusing on the best interests of children when making decisions about their care.

This project represents the first time Justice Canada has used animation in a communication vehicle intended for public audiences.

As a pilot project, it is hoped the video may lead to additional videos addressing other family justice issues. To view the video, follow this link:

www.youtube.com/watch?v=459RSwSP1oo

REFUGEE MENTAL HEALTH FRAMEWORK Dr. Nalini Pandalangat, Dr. Pushpa Kanagaratnam, and Archana Medhekar

Refugees and Mental Health:

According to the 1951 United Nations Convention Relating to the Status of Refugees, a refugee is a person who is unable or unwilling to return to his or her own country of origin owing to a well-founded fear of being persecuted for reasons of: race, religion, nationality, membership of a particular social group, or political opinion (Article 1).

Canadian law accepts a person who is forced to flee from persecution and who is located outside of their home country in this process as a "refugee".



Not everyone has a clear understanding of the difference between immigrants and refugees and this needs to be clarified before we understand the discourses of refugees and the need for a refugee mental health framework. The difference between a refugee and an immigrant is that a refugee is forced to flee their country and an immigrant chooses to settle permanently in another country.

With refugees fleeing war in many parts of the world, and Canada accepting a surge of over 25,000 refugees from Syria, the complex issue of refugee mental health has become a priority.

The social memory (the shared history that shapes our perception of ourselves as part of a group) of trauma and the meaning of suffering and resilience in refugee communities are often underestimated. From a refugee mental health perspective, it is important to understand collective vs. individual, and discrete vs. continuous trauma, and variations across the trauma spectrum. It is when trauma is compounded by challenges in migration and resettlement, that the impact is further exacerbated.

The Refugee Mental Health Framework:

Different refugee communities are at different points in their journey in Canada. A refugee mental health framework is important to inform work in all refugee communities and foster advocacy at the federal and provincial levels.

Dr. Pushpa Kanagaratnam (Assistant Professor, University of Toronto & Research Scientist, CAMH), Dr. Nalini Pandalangat (Director, Newcomer Health & Specialty Services, Sherbourne Health Centre) and Ravi Subramaniam (Partnership & Organisational Lead, Thorncliffe Neighborhood Office) are a team with experience and expertise in research, practice, international development and program planning, and have done considerable work with refugee communities. This team is in the process of developing a mental health framework ("the framework") using the Tamil community as a case study. The core team is set to soon refine the framework working with an advisory panel. As part of this process, the team led a one day workshop with diverse stakeholders on May 17th, 2016 where lessons were learned and a draft framework was presented.

Pilot Role of Tamil Community:

Tamil community members have generally experienced multiple internal and external displacements prior to arriving in Canada (Beiser et al, 2003). War disrupts social functioning, and such disruptions have a profound impact on the wellbeing of individuals and their communities. Research shows that the Sri Lankan Tamil community, and other ethnic communities, emphasize social functioning as the hallmark of health (Pandalangat et al., 2013).

..... continued on page 9

REFUGEE MENTAL HEALTH FRAMEWORK - continued from page 8

There is research evidence indicating that the community holds an integrated notion of health, one that encompasses physical, mental and social components, which is also the case with other non-Western cultures (Weeresinghe & Mitchell, 2007). Mental illness is seen in a continuum but mostly as not dissonant to one's self or to the community unless it manifests itself in socially disruptive behaviour (Kanagaratnam, Rummens & Toner [submitted]).

Given the unique challenges of refugee communities, it is important to look at how the system can be tuned optimally to work within a lens that helps enhance the system's capacity in this direction. The intent is that the framework developed using one refugee community as a reference point is unique, yet flexible in its applicability to other refugee communities. This is a practical and grounded approach to developing a refugee mental health framework. (Summary Report, "Towards a Refugee Mental Health Framework", Pandalangat, Kanagaratnam & Subramaniam, 2016).

The Utility of the Framework:

The Refugee Mental Health Framework is a useful tool as it:

- starts from a fundamental understanding of the community values and characteristics, and its experience through migration and settlement;
- considers these different aspects at all levels of service provision, research, program, policy and system design; and
- incorporates factors such as context, time, resources and continuous learning.

This model is capable of adaptation, and can be used effectively in designing appropriate programs and services. It could be used as an educational tool and also play a crucial role in influencing government policy around refugee populations.

While the government is extending significant goodwill towards certain refugee communities, the application of this evidence based framework will ascertain a systemic, equitable government response to all refugee communities (Summary Report, "Towards a Refugee Mental Health Framework", Pandalangat, Kanagaratnam & Subramaniam, 2016).

It is important that the diverse professionals in the justice system understand how the various aspects of refugee mental health influence child and family wellbeing. The Refugee Mental Health Framework would be helpful in our work with families and children, as it provides us with a practical tool. It gives a visual guide to the complexities of refugee mental health issues and will help various professionals such as social workers, mental health professionals, mediators, other practitioners, lawyers and judges in providing sustainable solutions, taking an interdisciplinary approach.



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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 <u>www.afccnet.org</u> 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.

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 October 1st, 2016 we have 443 AFCC members in Ontario, and 395 are AFCC-O members.

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

AFCC-O members are 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.

COMMUNITY CORNER—Hope 24/7



The Cause:

Clinical intervention and the prevention of sexual abuse and assault.

The Agency:

Hope 24/7 was originally founded in 1993 as the Sexual Assault/ Rape Crisis Centre of Peel (SA/RCCP). In 1992, the Peel Committee

on Sexual Assault (PCSA) authored a report recommending that a sexual assault centre be opened in the Region of Peel. The Ontario Women's Directorate responded to the recommendation by providing expansion funding for the establishment of such a centre.

In 2013, after 18 years of providing services to the Region of Peel, the Agency underwent a fundamental transformation into the Centre of Excellence for clinical intervention and the prevention of sexual abuse and assault. Part of this transformation included a name change to Hope 24/7 and an expansion of their services to all persons 12 years of age and older.

The Services:

Hope 24/7 offers programs and services to support all persons 12 years of age and over in Peel Region who have been impacted by relationship and sexual violence.

Hope 24/7 is the only Ontario Ministry of the Attorney General designated Sexual Assault Centre in Peel and provides:

- Best in class clinical intervention services delivered by regulated health professionals.
- Prevention and outreach activities to schools, community groups and partner agencies.
- Fee-based non-crisis therapy for those impacted by trauma.
- Crisis Chat in addition to a Crisis Phone Line. (24-Hour Crisis and Support telephone line provides support and counselling to survivors of sexual violence and members of their social network 24/7).

The Chief Executive Officer, Laura Zilney, M.A., D.H.S., has been providing clinical and consultative services for over 15 years and in a variety of settings, including social service organizations, a battered women's shelter, corrections, and in private practice through a family health team. The clinical staff of the agency are comprised with well-trained mental health clinicians with expertise in trauma.

The agency recognized the critical need for prevention education for teenagers regarding sexual violence. Over the last year, Hope 24/7 has developed a professional collaboration to prevent sexual violence by developing a curriculum for adolescents.

The agency is helping survivors move from cope to hope.

Website: www.hope247.ca 24-Hour Crisis Line: 1-800-810-0180

This information has been reprinted from the website of Hope 24/7 with their permission

THE NICHOLAS BALA AWARD FOR EXCELLENCE: 2016 RECIPIENT

The AFCC-O is pleased to announce Shely Polak as the recipient of the 2016 Nicholas Bala Award for Excellence in Children and Family Law.



With a Master of Social Work Degree from the Factor-Inwentash Faculty of Social Work at the University of Toronto, Shely Polak is a registered social worker and an accredited family mediator with the Ontario Association for Family Mediation. Working in the Greater Toronto Area, Shely specializes in providing therapeutic, mediation and assessment services for children and families experiencing high conflict separation and divorce. She is also an agent on the clinical panel of the Office of the Children's Lawyer (OCL) and is a roster mediator with the Ontario and Superior Courts of Justice. All of this is in addition to her many significant contributions to the AFCC Ontario including her service on the board of directors.

Shely will be completing her PhD in Social Work from the University of Toronto this year. Her dissertation focuses on reintegration therapy for children who resist contact with a parent post-separation. Using a qualitative research design,

Shely has interviewed experienced mental health professionals across Canada and the United States to comprehend how reintegration therapy is understood theoretically and practised in the field. Her goal is to help establish empirically based guidelines or standards of practice for the treatment of parent-child contact issues.

Interested in the interdisciplinary practice of social work and law, Shely completed a practicum placement at the OCL during her Master's program. It was during this time that her passion for working clinically with families in a forensic capacity solidified. She explains, "It was during my time at the OCL when I first encountered children who refused contact with one of their parents as a result of the chronic high conflict. The complexity of these families sparked my interest from a clinical, legal and research standpoint."

Since entering the doctoral program, Shely has participated in academic research and published on topics relating to separated/divorced families involved with the court system. She says that she is grateful for being in the unique position where she can blend her "passion for more knowledge and research with real world clinical practice".

Inspired by the hard work of people and organizations across the field, Shely states, "I am thankful to those individuals who have helped me develop professionally in this difficult area of practice and for organizations like the AFCC and AFCC-O who dedicate so much effort to fostering interdisciplinary practice work within the field."



Karla McGrath, JD, LL.M., AFCC-O Newsletter Committee



The Nicholas Bala Award for Excellence is an annual scholarship 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 please visit our website at: www.afccontario.ca/awards/

I WISH MY PARENTS HAD EXPLAINED ONE OF THEM WOULD BE LEAVING Anonymous

When the decision to separate is made and there are children involved, it is often best for children to be told by both parents together. Here, a 17-year old shares her experience with parental separation, highlighting the need for open dialogue, information, reassurance and ongoing support.

Hello, I am a seventeen year old girl. I live with my mother and my older brother. My parents split up when I was just seven, although I was young I remember it and I remember the pain I went through. I remember coming home from school to nothing in the house...Everything was gone, including my dad.

Even though I was told repeatedly it wasn't my fault, that they loved me and maybe it was for the best, I didn't want to believe it. I felt like it was my fault and I couldn't do anything to change it and it hurt. Both my brother and my mom helped a lot, my mom always made sure I knew if I needed something that I could go to her, and this made me feel safe. My older brother stepped in for a bit to make sure I had a good role model and always encouraged me to do my best.

I wish my parents sat down with my brother and I and explained that one of them would be leaving and that things would be changing. I think that would have been easier on me considering I was so young. It was really hard to know that our dad wasn't going to be living with us, but I think the hardest part was only being able to see him every other week. He became bitter and I felt like I couldn't make my dad or my mom happy anymore. As a child I wish I had talked to people other than my



brother and my mom because I knew what I had to say could hurt them. But the trust wasn't there for me so I didn't open up to anyone.

I don't know why my dad doesn't come around or call, but that is his choice and not something that I did wrong. It has taken a long time for me to learn that.

For any child in a similar situation please know that this is not your fault and remember that prayer will help get you through the toughest times.

This article has been reprinted from the website of Side by Side Supervised Access Services with their permission and that of the author.

For more information please visit: www.sidebysideservices.ca.

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

◆ AFCC Parent Website
 ◆ Separation and Divorce
 ◆ For Children & Parents
 ◆ Parenting Plans & Communications Tools
 ◆ Child Welfare
 ◆ Domestic Violence
 ◆ Child Abductions
 ◆ Mediation & Counsellors/Therapists
 ◆ Community Resources
 ◆ High Conflict Forums in Ontario
 ◆ Child and Spousal Support Information
 ◆ Court and Legal Services
 ◆ Other Government Resources & Information
 ◆ Legislation

ADULT CHILDREN OF DIVORCE: REFLECTIONS FROM BOTH SIDES OF THE MIRROR

Justice Gerri Lynn Wong and Deborah Moskovitch

The Back Story

It is often said that children are the ones to live out a divorce. As professionals we often observe, through the lens of our clients, how the behavior of parents may impact children in the short run; but we don't always know the long-term outcome. At our 2013 conference we heard from three adult children of divorced parents about their unique experiences and the impact of divorce on their lives as adults. The response by the attendees to this program was so significant we realized a one-time event was not enough. As a result, an innovative, two-part video was developed with five adult children of divorce who generously shared their stories and reflections. Part One, *Reflections from Both Sides of the Mirror*, features all five adult interviews and a number of internationally renowned experts in the field of separation and divorce.

Each adult story is unique. The material shared in each interview is thought provoking and highlights a range of themes, with brief commentary offered by leading experts. The viewer is encouraged to consider separation and divorce as more than a single event in the life of a child. Rather, it can be considered as a catalyst for many changes, some that cause great pain and emotional confusion, others presenting opportunities for growth. The viewer is struck by the importance of adaptability and resiliency as each interviewee shares their insights into their unique circumstances, relationships with siblings, and their thoughts about how their parents' divorce affected them later in life, as partners and as parents themselves.

The themes that emerge include parent alienation, the challenge of navigating the family justice system, cultural factors, the experience of loss, the impact of separation on financial stability for children, and some of the unique coping strategies employed by children.

To better help us understand some of the complexities faced by children and families we were fortunate to feature experts who shared their wisdom, inserted between each adult reflection, or highlighted in Part Two of the video production, *Professionals Talk Children and Divorce*. Such experts, in order of appearance, include Dr. Debra Carter, Dr. Matthew Sullivan, Dr. Larry Fong, Dr. Barbara Fidler, Dr. Robin Deutsch, Dr. Joan Kelly, Dan Goldberg, Dr. Marsha Kline Pruett, Dr. Irwin Butkowsky, Donna Wowk and Dr. Robert Emery. Each professional responded to a specific question or two, and their contribution adds another dimension to the video, offering further insight and perspective, and leading to stimulating discussion among those who view the production.

Developing this video was a labour of love - a lot of work but well worth the effort. We hope the presentation will provide a pearl of wisdom or two for professionals to use in their daily practices, and better guide parents as to their role in mitigating the potential adverse impacts of separation on their children. Our five storytellers would be gratified for their contribution to spark clarity for even a handful of parents engaged in the process of separation. We owe a debt of gratitude to these individuals who shared their stories.

Thank you to our project committee — Deborah Moskovitch, Donna Wowk, Linda Popielarczyk, Risa Ennis, Robyn Switzer, Mary Joseph, Dilani Gunarajah. A special thank you to our videographer Susan Tihonen whose creativity and generosity are greatly appreciated.

..... continued on page 15

ADULT CHILDREN OF DIVORCE: REFLECTIONS FROM BOTH SIDES OF THE MIRROR - continued from page 14

Adult Children DVD: Today

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

The program was used in Toronto in March 2016. The Ontario Psychological Association partnered with 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 AFCC-O partnered for "Adult Children of Divorce Evening Forum". Board member Justice Philip Clay and the Executive Director of Peel, Antoinette Clarke, shared their experiences and provided insight responding to probing questions about the complicated field of assisting families and children of divorcing parents. By the time this piece is released in the October newsletter, this program will have again been presented in Peel, scheduled for September 2016.

Future Programs

Since the DVD's release, 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'll 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 Justice Gerri Wong via email: info@afccontario.ca

AFCC-O MEMBER SPOTLIGHT

Our Member Spotlight recognizes AFCC-O members throughout Ontario. In this issue we recognize: Judy Newman



Judy's passion for being a part of the 'helping professions' may be genetic. Judy's father was a Freudian psychoanalyst and her mother was a social worker.

After pursuing an undergraduate degree in French language and literature, Judy completed the M.S.W. program at the University of Toronto. Her early interest was in the area of gerontology, focusing on policy planning and administration. She worked at a Toronto hospital, doing research, community outreach and clinical work, before leaving the paid workforce to focus on her two children.

Judy was an early supporter and adopter of mediation. When she anticipated returning to work in the early 1980s, ADR was emerging and Judy completed a mediation course. Judy was hired as a social work agent on the (then called) Official Guardian's clinical panel, where she did custody and access investigations from 1984-1994. In 1994, she was hired to work in-house as a clinician with the (just renamed) Office of the Children's Lawyer (OCL).

In her OCL work, Judy worked on a case where a father had assaulted his ex-spouse during an access exchange. Looking for a way to allow the father to maintain contact with his child while ensuring the safety of the child and the mother, Judy became familiar with Access for Parents and Children in Ontario. It was a grassroots program, receiving nominal funding from a local church. Judy was intrigued. Recognizing the need for this service on a more formalized basis, Judy started a lobby group – the Supervised Access Action Group – that engaged in outreach to like-minded people and organizations interested in this initiative.

Judy describes the formation of this lobby group, the simultaneous interest by other countries in supervised access initiatives, and the social, legal and political factors of the day as a "perfect storm". Divorce rates were increasing and changes in legislation allowed for divorces to be obtained more easily. Domestic violence was becoming better understood and recognized, and the New Democrats were elected in Ontario! The amended legislation introduced the concept of supervised access, and the sentiment of those involved with the family justice system was that you should not have something in the legislation if you could not provide for it.

This coalescence of factors led to the Ministry of the Attorney General (MAG) starting the Supervised Access Program as a pilot project in 1992. By 1994 funding was formalized for the

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AFCC-O MEMBER SPOTLIGHT - continued from page 16

original 14 court districts. In 1996, Judy began to co-manage the program with Rachele Dabraio (while they each continued their "day jobs"), and in 1998 Judy left the OCL to manage the Supervised Access Program on a full time basis.

The Supervised Access Program provides safe, neutral, child focused settings to facilitate visits or exchanges. Under Judy's leadership, the program expanded from 14 to 52 court districts with over 100 sites, administered through 35 transfer agencies. Judy's responsibilities include overseeing the contracts between the non-profit service providers and the government, developing standards and best practices, addressing practice issues, supporting research and travelling throughout the province to provide training, review the sites and meet with the site coordinators and staff.

This year, Judy received an Excelsior Award from MAG for Leadership and Community Building. In addition, Judy has been an executive board member of the Supervised Visitation Network, an international network of agencies and individuals interested in ensuring that children have safe, conflict-free access to their non-residential parents, and she was honoured by the Network as the recipient of the Heidi Levenback Award for Excellence in Supervised Access. She also enjoys being an instructor for students of social work at the University of Toronto, Ryerson and York. She is a member of the Toronto High Conflict Forum and the AFCC and AFCC-O.

The Supervised Access Program has developed an international reputation under Judy's leadership. Judy has been invited to other countries to share the program's material and policies, and to help them develop similar programs. Judy does not to take credit for this accomplishment. She points to her strong government team (a total of only four people!), and the fine work done by the many people providing the service throughout the province. She considers herself

"Judy started a
lobby group the Supervised
Access Action
Group - that
engaged in
outreach to like
-minded people
and
organizations"

privileged to be a part of such a community-based initiative – where each community has developed its supervised access services, taking into account that community's issues and needs.

Judy will retire on November 30, 2016. She describes participating in the development of the Supervised Access Program from concept to reality as an honour. She looks forward to directing her passion for advocacy in different ways and anticipates using her knowledge and skills to consult. She will also spend time with her children and grandchildren who live in California - Carolyn, a television producer (with her spouse Josh and their two children, Harry and Levi); and Bradley, a lawyer.

One thing is certain – Judy will keep busy, and the recipients of that "busyness" are indeed fortunate! The AFCC-O congratulates Judy on her achievements and contributions, and wishes her well on her retirement!



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

WALSH FAMILY LAW MOOT & NEGOTIATION COMPETITION

Mooting and Negotiating Family Law Scenarios: The Closest Thing to Lawyering, Before Becoming a Lawyer

For the past several years, students from across Ontario have gathered in Toronto to participate in the only family law student competitions in the nation, the Walsh Family Law Appellate Moot and Negotiation Competition.

Between the two events, which will be five and three years old respectively, we had participation from every law school in Ontario last year, as well as the University of Manitoba. These competitions bring together young law students, family law lawyers and ADR practitioners and judges, and a vast array of volunteers both within and outside of the legal profession to participate in simulated court proceedings and negotiations on highly relevant issues within family law. In the past, students have advocated different positions on very common issues such as child support, child custody, spousal support, and equalization.



Students from seven law schools across Canada brought their advocacy skills to appeal a complex and compelling family law case. Students have the opportunity to conduct legal research using actual case law, draft a creative legal document known as a 'factum' to support their position, and advocate for their clients. With the training of very talented coaches, students bring their best legal arguments to the Osgoode Hall courthouse in downtown Toronto, where they participate in several rounds of exciting family law advocacy, preceded and proceeded by the opportunity to network and mingle with their fellow students, community lawyers, and even justices presiding in the Ontario and Superior Courts of Justice as well as the Court of Appeal.

On the negotiation side, teams from almost every Ontario law school were given complex, realistic family law scenarios and put to the task of planning out their negotiation strategies and then putting them to the test in front of extremely experienced panels of judges and ADR experienced family lawyers. It was incredible for the judges to see the students in action, thinking on their feet and adjusting their strategies as needed to make progress on challenging legal and emotional issues.

Student feedback has been fantastic for both competitions. In essence, the competitions are the closest experience available to family law students to know exactly what family law lawyers do, day in and day out, inside and outside of the courtroom doors. Students have enjoyed the opportunity to put their skills into action and receive feedback from the most experienced family law practitioners.

The competition attracts some of the most experienced family law lawyers, ADR practitioners, and many of our most respected family judges. This is an exciting opportunity not just for law students, but also for volunteers and sponsors who wish to show their involvement in the very active family law field.

The Fifth Annual Walsh Family Law Appellate Moot and the Third Annual Walsh Family Law Negotiation Competition will take place on March 11, 2017, but planning is already underway. It is a perfect time to sign up as a volunteer or as a sponsor! If you're in the family law profession, don't miss out on getting involved in this highly anticipated competition. More information will follow shortly.

Walsh Student Competition Committee Co-Chairs, Elizabeth Hyde, Jennifer Suzor and Tami Moscoe (negotiation competition) and Steven Benmor and Justice Philip Clay (litigation moot)

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

www.afccontario.ca/walsh-moot/

DO NUDE PICTURES OF PARENTS HELP JUDGES DECIDE WHO SHOULD GET CUSTODY? Steven Benmor

That was the question that Justice Pazaratz needed to answer in the case of *JS v MM*, [2016] *OJ No 16*43.

In this case, the father attached to his affidavit a series of sexually explicit "selfies" of the mother and dozens of screen shots of the mother "sexting" with another man that he retrieved from her cell phone. In attempting to make sense of such new trends, Justice Pazaratz stated:

Separating parents are already in crisis. Our court process can either make things better or worse. And our success will hinge in part on our ability to address the modern realities of technology and social media. Between e-mails, Facebook, Twitter, texts and selfies - privacy and discretion seem a thing of the past. These days there's no shortage of really embarrassing stuff couples can dredge up against one another - if that's really the path we want to encourage.

The judge then cited all of the many uses of technology in the legal system. Facebook entries can confirm drug or alcohol abuse. Intimidating and threatening behaviour can be discovered in texts. A parent's resistant attitude toward timesharing can be found in e-mails.

Justice Pazaratz went on to caution about the over-reliance on such material by stating:

...where behaviour is neither unusual, illegal nor disputed, there's no need to inflame tensions by attaching texts and pictures that tell us nothing we need to know.

As for Justice Pazaratz's impression of these parents, he stated:

Nasty doesn't work. The mean-spirited and malicious inclusion of humiliating and completely irrelevant nude pictures and texts in this case cries out for a stronger message: Nasty won't be tolerated.

As for the nude photographs and salacious texts submitted by the father, Justice Pazaratz stated that they, "merely confirm what I would suspect of most other adults on this planet: The mother has a sex life. Big deal."



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.



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



FILM REVIEW

Gett: The Trial of Viviane Amsalem - (2014) Israel / France, (2015) International



Gett: the Trial of Viviane Amsalem is the third and final act of a trilogy that chronicles the protagonist Viviane Amsalem's dysfunctional and oppressive marriage, and follows her multi year struggle as she pursues a divorce from her husband in the rabbinical courts of Israel.

The film unfolds across a series of court appearances over a period of more than five years as Viviane seeks release from the cold, abusive, and controlling grip of her spouse, Elisha. The choice to divorce is ultimately not hers – instead her request is something to be considered by the court, and the divorce is at the discretion of her husband who must grant it, deciding himself if she should be released from the marriage. Despite living apart and no longer loving her husband, the onus is on Viviane to show why a divorce should be granted. With the aid of her lawyer Viviane makes her case, but the bar is set impossibly high and Elisha will not let her go. Her personal misery is not a sufficient reason in the eyes of the court.

Witnesses are called and Elisha employs his bother, a rabbi, to represent him and support him in court. Despite Viviane's passionate plea and the testimony of some supporting witnesses, her request is repeatedly denied by Elisha, who also stalls and needlessly protracts the process. The court itself shows little empathy for Viviane, at times directing her to return home and reconcile with her husband.

Viviane is held captive, not only by the malicious, selfish, and petty nature of her husband, but also the forces of patriarchy, tradition, social politics, and religion. Her struggle for autonomy is like swimming against an impossible tide – her fate not of her choosing; her life and free will fatigued and slowly drowned by the systemic waters of her world. Ultimately Viviane is powerless, and the film captures not just the tensions of the relational dramas that unfold between all the actors in the room, but also presents the viewer with a picture of human struggle against the large and often intractable structures that dictate our lives.

The film succeeds in creating considerable tension for the viewer as every scene is focused on Viviane's pursuit and her seemingly futile struggle. As it is for Viviane, there is no release for the audience and the drama continues to the last frame. Viviane's torment and frustration are palpable and one can't help but empathize, if not with the context, with the human need for self-determination and the anguish when it is denied. But equally captured is the human tendency to fight adversity. Despite moments of emotional collapse, Viviane's unwavering determination allows her to repeatedly resurface and confront the trial with renewed vigour. Still, no matter how just or strong she is, Elisha must grant the divorce, and even if he grants her freedom, Viviane must accept that the release she seeks may come with unanticipated costs and conditions.



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

BOOK REVIEW

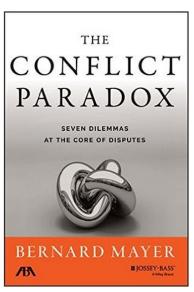
The Conflict Paradox: Seven Dilemmas at the Core of Disputes (2015), by Bernie Mayer

Bernie Mayer's book *The Conflict Paradox: Seven Dilemmas at the Core of Disputes* (2015) offers conflict interveners a powerful and nuanced analysis of seven examples of polarized thinking that are common in conflict. This review focuses on Chapter 4, which discusses the conflict paradox of avoidance versus engagement.

Mayer argues that while we often think of avoidance and engagement as occupying opposite ends of a spectrum, in reality, both ways of responding to conflict are constantly present and interdependent. When we engage in one aspect of a conflict we are usually making choices to avoid another, based on our perceptions as to what will improve or worsen the situation. In addition, he suggested power, values, level of commitment to the relationship, past experience, and the interaction between behavior, emotion, and attitudes are a few factors that affect the ways in which avoidance and engagement are present.

As conflict interveners, mediators tend to assess the level of avoidance or engagement based primarily on a person's behavior — whether one's actions appear to assuage a conflict or generate more interaction about it. Mayer explains that the higher the stakes, the more complex the relationship between behaviour, emotion and attitude, and this impacts the dynamics of avoidance and engagement. For example, parties in a conflict may at one moment appear avoidant in their behavior while in fact deeply engaged emotionally. This dissonance shifts continuously as the conflict plays out. It is made more complex by constantly changing narratives about the issue, and individual attitudes about whether it is morally better to avoid, engage, or a combination of the two. Mayer explains, in emotionally intense conflict such as in the context of divorce, we are often driven to engage and avoid at the same time:

"People in divorce mediations are often so emotionally involved in a conflict that they want to run out of the room and end all contact, yet they are also driven to spend a great deal of time dealing with the conflict, to raise issues repeatedly, and to bring up a wide variety of related challenges." (109)



Furthermore, emotions change throughout conflict, and are affected by the emotional state of other parties. This can lead to behavioural swings from avoidance to engagement and these rapid shifts create confusion, and can obscure motivations.

Mayer reminds his readers that people tend to falsely associate avoidance with conflict prevention and engagement with escalation. He argues active listening is an engagement strategy that can be the most effective way to de-escalate conflict. As well, many strategies to prevent or de-escalate a conflict can have an escalating impact. Attempts to rush to problem solving without exploring underlying issues can actually increase the intensity of the conflict.

Mayer asserts that understanding the complex relationship between avoidance and engagement enables mediators and others to support clients to appreciate the ways in which their actions, emotions and narratives about a conflict may not be in sync; to reflect on their choices to avoid or engage; and to align those choices with goals, hopes and expectations. He offers specific questions to guide this reflection. This chapter is well worth reading, and for a review of the entire book please take a look at the Family Court Review, July 2016.



AFCC-O COMMITTEE & SPECIAL GROUP EVENTS

October 20, 2016

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

New Professionals Event, "Exploring Strategies for Clients with Mental Health Issues", 1:00 p.m.—2:15 p.m.

Pre-Conference Institute, "Expert Witnesses: Achieving Success in Examination and Cross-Examination", 2:30 p.m.—5:30 p.m.

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

October 21, 2016

Eighth AFCC Ontario AGM and Annual Conference, "Navigating the Steps to Family Resolutions", 8:30 a.m.—4:30 p.m., Bram & Bluma Appel Salon, Toronto Reference Library

October 27 & 28, 2016

Intensive Child Protection Training Primer. This program is jointly sponsored by the LSUC and the AFCC-O, Toronto, ON, 9:00 a.m.—4:30 p.m.

November 22, 2016 (date to be confirmed)

AFCC-O Kingston Group—"Kids & Cash: Shared Parenting & Child Support" at Queen's University in the Law School, Kingston, ON, 5:00 p.m.—6:30 p.m.

November 30, 2016

Windsor Roundtable Discussion and Dinner Series, "The Road Ahead", with Justice George Czutrin, and Justice Debra Paulseth, Cabota Club, Windsor, ON, 5:00 p.m.—9:00 p.m.

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



Visit our website to learn more about our Board Members and to view a list of our Committees and Working Groups. New committee members are always welcome and encouraged!

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U P C O M I N G C O U R S E S 2 0 1 6 _____

September 12 & 13, 2016 Basic Parenting Coordination

October 24, 25 & 26, 2016 Screening for Family Violence, Abuse, and Power Imbalances September 27, 28 & 29 / 30, 2016 Family Law (21/30 Hour)

November 30, December 1 & 2, 2016 Advanced Family Mediation

2 0 1 7

January 12 & 13, 2017 Advanced Parenting Coordination

February 15, 16 & 17, 2017 Introduction to Alternative Dispute Resolution (ADR)

April 19, 20 & 21, 2017 Screening for Family Violence, Abuse, and Power Imbalances

May 31, 2017 Duty of Care for FDR Professionals (10-Hour Update) January 25, 26 & 27, 2017 Family Relations



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

May 11, 12, 15, 16 & 17, 2017 Basic Family Negotiation & Mediation (40 Hour)

"The facilitators were all excellent. It was very educational to have different presenters. Level of knowledge was very high. All were able to explain complex concepts into understandable English"

- Sandra Palmer,, Family Law participant



PARENTING COORDINATION:
ADVANCED APPLICATIONS
2-DAY SMALL GROUP WORKSHOP
Toronto location – December 2 & 3, 2016

Linda Chodos, MSW, RSW, AccFM Douglas Millstone, Lawyer, BA, LLB

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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

February 3rd, 2017.

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

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

Quarter page

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

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- We have updated our website with a new look which is more compatible with smart devices.
- 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.