SPECIAL 10TH ANNIVERSARY EDITION





Association of Family and Conciliation Courts Ontario Chapter AFCC-O 10TH ANNIVERSARY EDITION NEWSLETTER Issue 20, December 2018





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PRESIDENT'S MESSAGE

Dear AFCC Ontario Chapter Members and Colleagues

And so we approach that time of the year when we tend to slow down a little bit, to become still, and more reflective. Perhaps it is the necessary seasonal sheltering from the elements that brings our attention and focus to reflecting. Whatever the reason, let us take the opportunity to first look back and review the events of the past year at the Ontario Chapter of AFCC, and then, to look toward the near future and see what it may bring.

This past year at AFCC-O was a rather active and noteworthy one, under the careful guidance of Dr. Dan Ashbourne. Family Law Moot and Family Law Negotiation Competition were smashing successes, boasting record attendances and, of course, plenty of enthusiasm. The annual AFCC "parent" conference - this time around held in Washington, D.C., with its focus on trauma in the family justice system – was engaging, with an excellent showing of Ontario Chapter members (and a highly enjoyable Chapter social evening at D.C.'s Russian House restaurant). More recently, of course, we had our annual Ontario Chapter conference in Toronto, where we were treated to the incisive insights and seemingly boundless (and, I might add, contagious) energy of our keynote speaker Dr. Michael Ungar, as well as the great efforts of all of our other engaging and diverse speakers. Regarding access to justice initiatives, in the late summer AFCC-O prepared and submitted to the federal Justice Minister our comments on Bill C-78, the House of Commons bill that would amend the federal Divorce Act in ways that are important to professionals working in the family justice arena. Finally, in connection with Chapter leadership, we saluted some long-standing Board members, saying our good-byes at the conclusion of their board terms - including Justice Gerri Wong, Justice Allan Rowsell, Andrea Himel, and Dr. Jay McGrory. Their collective contributions to AFCC-O were vast and they will be missed. At the same time, we also welcomed onto the board in their stead a new set of keen professionals. As with the changing of the seasons, this type of turnover helps to breathe fresh insight and energy into the very corpus of AFCC-O.

What does the future promise to hold for AFCC-O? Well, from all indications it promises quite a bit indeed, particularly with regards to many of the dimensions at which AFCC-O excels. First, let's discuss some of our research. We are looking forward to seeing the fruits of the research project conducted by Professors Denise Whitehead and Rachel Birnbaum on issues relating to court-connected mediation. And as that research project winds down, AFCC-O's next research project is already taking shape. Next up is

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PRESIDENT'S MESSAGE - continued

the creation of an AFCC Ontario model Parenting Plan Guide, with this work being headed up by AFCC-O Board member and family justice stalwart, Professor Nick Bala (see page 7 for more information on this project).

In terms of events, we have the annual Walsh events taking place again in March 2019, and then shortly after that we are just delighted that the 56th annual AFCC "parent" conference is being held in Toronto in May. Finally, to round out this very busy year, we have our AFCC-O 11th Annual Chapter Conference being held in Hamilton in October 2019. Conference planning is being undertaken by the steady and practiced hand of Board member Michelle Hayes and her team. And all of this is to say nothing of various local educational events, gatherings, and other surprises that are also in store for the upcoming year.

I wish to thank each and every one of you for your support of AFCC-O and your membership in our organization. We exist for our members, to serve our members, and so if you have anything you wish to share, or if you have an idea for improvement, please feel free to reach out to me or to any of our other Board members. In closing, I wish you and your families a happy holiday season that brings with it some well-deserved rest and rejuvenation, and good health and fortune in the New Year.

Sincerely, Brian Burke, AFCC Ontario Chapter President

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AFCC-O 10th ANNIVERSARY CELEBRATION OF EXCELLENCE

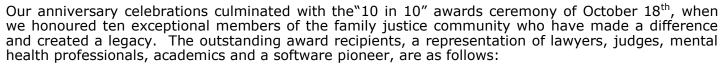
On October 18, 2018, AFCC-O commemorated our Chapter's 10th anniversary with a sold out "Evening of Excellence" gala dinner at The National Club in Toronto. The evening was everything we had hoped and imagined it would be from the time we first started planning it, over a year ago. The Hon. Gerri L. Wong, then Past President of AFCC-O, and Brian Burke, then President Elect & Treasurer, Co-chairs of the 10th Anniversary Committee, made it so.

Chief Justice Smith of the Superior Court of Justice and Chief Justice Maisonneuve of the Ontario Court of Justice honoured us with their presence, as did numerous other Justices of both Courts. Peter Salem and Dianna Gould-Saltman, Executive Director and President of AFCC, respectively, travelled to join our festivities. Dr. Michael Ungar, our dynamic keynote speaker at our annual conference, gave an outstanding presentation. Friends, both from the initial brainstorming days and more recent, gathered to celebrate ten years of helping families in the justice system. The evening brought the family justice community together in celebration. It was an evening of renewal of our commitment to the important interdisciplinary work that we do.

Throughout the 10th anniversary year we "looked back" with monthly e-blasts that featured the development, growth, and milestones achieved each year from inception. We acknowledged the vision and the tireless contributions of our terrific Past Presidents and Board members. We reflected proudly on our accomplishments. We took stock and constantly challenged ourselves about where we will go next.

Early in 2018, we shared our plans for the "10 in 10" awards, and we called on our membership to submit their nominations. You did not disappoint! We received 57 impressive, wide ranging nominations. We marveled amongst ourselves about the many people who make such a meaningful difference to the lives of children and families.

about the many people who make such a meaningful difference to the lives of children and families throughout our Province. The 10th Anniversary Committee undertook the difficult task of arriving at just 10 award recipients.



Mr. Philip Epstein, Mr. Alfred Mamo, patti cross,
Dr. Barbara Fidler, Dr. Rachel Birnbaum, Dr. Peter Jaffe,
DivorceMate Software Inc.,
Professor Rollie Thompson and Professor Carol Rogerson,
Justice George Czutrin and Justice Emile Kruzick,
and Justice Joyce Pelletier

All award recipients save Dr. Peter Jaffe and Justice Joyce Pelletier attended the Evening of Excellence in person. The Honourable Gerri L. Wong delivered remarks written by Justice Pelletier, and Dr. Dan Ashbourne passed on remarks and thanks on behalf of Dr. Peter Jaffe.

In his keynote address, Philip M. Epstein, Q.C. spoke about the evolving law of reunification therapy and the interdisciplinary considerations it involves. His remarks remind us that AFCC-O remains as relevant as it ever was!

The awards themselves were handed out by Dr. Dan Ashbourne, then President of AFCC-O, and the Hon. Gerri L. Wong over the course of the excellent dinner. Each award recipient had a brief opportunity for comments. Some award recipients made us laugh. All of them made us think. All of them made us proud.

In short, it was an evening of collegiality and inspiration!



Maxine Kerr, AFCC-O Board Member

AFCC-O 10th AGM & ANNUAL CONFERENCE

The AGM and Annual Conference for the Ontario Chapter in 2018 was a great success, with more than 250 attending. Dr. Michael Ungar's keynote address, *The Future of Youth: Moving Beyond Risk to Resilience*, generated great discussion throughout the day. We also had positive feedback from Dr. Michael Ungar about connections he made at our conference and the feedback that he received from individuals who spoke directly with him. He has now been approached by two different sectors to present at their respective future events. He wrapped up the day by facilitating the final Community Pop Up session with four presenters, tying the topics together nicely. We had questions from the audience and Dr. Ungar pushed the panelists to discuss next steps for their work. The Pop Up sessions were also



well received, particularly at the end of a full day, with Dr. Kim Harris filling in at the last minute at one of the Pop Ups!

We provided the presenters with hand-delivered thank-you notes and informed them that we made a total donation of \$250 to the Kingston Recovery House on behalf of the group. Thank-you letters for all sponsors, co-signed by Brian Burke (new President of AFCC-O) and Justice Gerri Wong (new Board Member for AFCC) as Conference Committee Co-chairs, were sent out. On behalf of the Committee and AFCC-O Board, we would like to thank Jennifer Suzor for doing such an amazing job on Sponsorship efforts. Attendees provided comments and feedback in different ways to the Board and organizers of this year's events. We continue to welcome any feedback in the spirit of improving future conferences.



Speaking of events...! This year, the two days surrounding our Annual Conference and AGM were filled with multiple events. Folks benefited from a wonderful Pre-Conference Institute, followed by a New Professionals event for mentorship and networking. Those able to stay a bit later enjoyed a social hour for mingling and meeting old and new friends or colleagues, followed by the "Celebration of Excellence" dinner recognizing those who helped build the Ontario Chapter of AFCC over the past 10 years. The next day began with the business of the AGM, followed by the Annual Conference Keynote and break-out sessions in the morning and afternoon. Lunch included a presentation and video offered on the Strengthening

Families Program. The Conference concluded with Pop Up sessions and report back on the status of the Research on Mediation being conducted by Drs. Denise Whitehead and Rachel Birnbaum.

We had no requests for participation by webcast. We did have one workshop that included a speaker via Skype from Thunder Bay (thanks again to Dr. Kim Harris and Kaitlyn McCabe for stepping up at the last minute to ensure the technology all worked well).

Many got to meet the Board members of AFCC-O when they came to the Registration table, overseen by the Planner Natalie Savage, or to our Chapter table hosted by AFCC-O Administrator, Kimberly Brown. Board Members also wore special name tags and dispersed throughout the room at different tables or mingled during breaks to welcome those attending.

AFCC-O 10th AGM & ANNUAL CONFERENCE - continued



Our original planning thoughts were born of discussions with those attending:

It costs between \$750 to \$1,000 for a non-Torontonian to attend (conference fees, hotel, and travel); therefore, we should offer as much as possible for that cost.

 Given the draw of the keynote, we committed to attracting presenters who were "new" to the AFCC-O community as presenters (and also promoting early to mid-career);

- We sought out diversity and were successful with regards to this in both accreditation credits and breadth of topics/presenters/locations represented;
- Rather than "comp" presenters, we 1) did an RFP call for proposals;
 2) set presenter costs the same as new professional, student, and "retiree" rates (\$150.00); and, set a rate and schedule that encouraged all presenters to attend for the entire day (as opposed to "parachuting in" for only their session);
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- PowerPoint presentations and other materials were made available to all registrants as of November 12, 2018; and
- We had wonderful help from Carolyn Leach, who did an amazing job on accreditation.

In closing, everyone did an incredible amount of work for this conference. We appreciated Dr. Kim Harris acting as roving photographer, especially since she probably saw none of the Thursday and Friday conference because of these duties! Finally, in closing, we offer special thanks to the full conference committee: Brian, Gerri,

Carolyn, Jennifer, Maxine, Kaitlyn, Jordan, Jacklyn, Stella and Lauren! Without you, it would not have happened.



Dr. Dan Ashbourne, C. Psych., for the Conference Committee

Visit our 2018 AFCC-O 10th Anniversary Conference webpage: www.afccontario.ca/2018-10th-anniversary-conference/



to download our conference brochure, view event pictures, summary articles, and for member or attendee access to presenters' materials.

Details about Law Society of Ontario accredited workshops can be found in our conference brochure.

WALSH FAMILY LAW MOOT AND NEGOTIATION COMPETITION





SAVE THE DATE!

March 9, 2019 is our

Annual Walsh Family Law

Moot & Negotiation

Competition!

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

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

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

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

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

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

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

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

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

Visit our Walsh Family Law Moot & Negotiation Competition webpage to find out what teams won in March 2018, and to download Rules and Regulations, and sponsorship information visit: www.afccontario.ca/walsh-moot/



ANNOUNCING AFCC-O'S PARENTING PLAN GUIDE



The AFCC-O Board has approved a project for the preparation of an AFCC-O Parenting Plan Guide. The decision to undertake this project is in part motivated by the prospect of the enactment of reforms to the parenting provisions of the Divorce Act in Bill C-78 (see related article in this Newsletter.) That Bill encourages parents and courts to have "parenting plans" that share parental responsibilities, rather than expecting the finality of a Court Order to establish a regime of "custody" and "access."

The *Guide* is primarily intended for parents, though it will also be useful for professionals who may make it available to their clients and discuss its contents with them. Lawyers, mediators, and judges with less experience in family law and child development

will also find it valuable. There are already a number of parenting plan guides available and used in Ontario, including *Arizona's Guide for Parents Living Apart* and materials from Canada's Department of Justice. While the AFCC-O *Guide* will build on these resources, it will also be specifically tailored to the legal and professional service context of Ontario.

It must also be appreciated that materials provided by governments and some other agencies have understandably been written in very general terms and are often constrained from providing much guidance. The *AFCC-O Guide*, inspired in part by the *Guide* of the AFCC Massachusetts Chapter, will provide general advice based on developmental research, while at the same time recognizing the need for individualizing plans. There will be nuanced discussion of the needs of infants and toddlers, with separate consideration of plans for children in the ranges of 0-9 months, 9 to 18 months, and 18 months to 3 years. There will be recognition of the need for step -up plans and other options if parents have never lived together, in contrast to situations where both parents have resided with their children and have already established close attachments with them.

The AFCC-O Guide will address issues related to special needs children, domestic violence, and taking into account the views of children. It will also: consider the need for flexibility and the possibility of variation in plans as children mature and circumstances change, offer a template of possible terms, and discuss communication and co-operation issues as well as plans.

The Task Force preparing the AFCC-O Guide will be a small, multi-disciplinary group drawn from AFCC-O members across the province, chaired by law professor Nicholas Bala of Queen's University. A draft will be circulated to AFCC-O members for comments, and the Task Force will hold a "town hall forum" for input at the 2019 Conference in October (to be held in Hamilton), with the possibility of other sessions around the province.

The federal government may be making funds available to support public legal education related to parenting plans if Bill C-78 is enacted. It is expected that the AFCC-O will apply for funding to support this project and related educational efforts. Depending on the availability of funding, the *Guide* may be available in print form, but it is expected that parents and professionals will primarily access the *Guide* on our website, and that there will be future revisions by the AFCC-O.



Nicholas Bala, AFCC-O Board Member

The AFCC-O provides an extensive list of resources for families, and professionals on our Resources webpage, 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 Alcohol & Drug Abuse Treatment

AFCC-O MEMBER SPOTLIGHT



Dr. Jay McGrory

For this issue, our newsletter spotlight is on a departing AFCC-O Board Member, Dr. Jay McGrory. After graduating from the University of Toronto in 1991, he moved to Sault Ste. Marie where he worked in the youth justice system. In 1996, Dr. McGrory relocated to Windsor, his home town, where he has been in private practice since. He is currently a senior partner at Schnayer, McGrory and Through his initial work both with children/ families and the criminal justice system, Dr. McGrory focused his expertise on child welfare work and, particularly, parenting capacity assessments. Since 1998, he has conducted between 600 and 700 parenting capacity assessments and has provided training on this topic to lawyers and mental health professionals. Prior to joining the AFCC-O Board, Dr. McGrory was a member of the AFCC-O Parenting Assessors Group.

Over time, Dr. McGrory's career has shifted from courtrelated work to police psychology. He is currently consulting to three local police services in Essex county in a variety of roles. Dr. McGrory consults on organizational directives and provides direct clinical services including debriefing after critical incidents for involved officers and ongoing clinical support. He also conducts assessments of officers for mental preparedness as they enter into high stress units such as child exploitation, drugs and guns, etc.

Dr. McGrory explains that police are a "tight knit group", and less likely than civilians to come forward for help because of the stigma associated with mental heath concerns. However, the resilience of their mental health will no doubt be tested through their career. He indicated that it is generally accepted that a first responder will experience over 600 traumatic events in their career. The average civilian might experience one or two in their lifetime. A self-report study of the Vancouver Police Department found that 30% of officers would meet diagnostic criteria for Post Traumatic Stress Disorder. In 2016, WSIB (Workplace Safety and Insurance Board) recognized the impact of stress on first responders and modified their policies to ensure easier access to services and in particular to recognize the impact of cumulative mental stress.

To be successful in meeting the needs of police, a mental health professional must be able to step across the "thin blue line" to become accepted on the other side. Dr. McGrory has drawn on his work with the Windsor Spitfires of the Ontario Hockey League, and the AFCC-O to effectively build rapport. Dr. McGrory explains that with the Spitfires, it has been critical that he be present and around the team as a familiar face to the players and coaches. He has used this same approach with police.

These days, Dr. McGrory can regularly be found at one of the various police headquarters for meetings and/or "ride-alongs." Dr. McGrory explains that officers appreciate the effort that he makes to gain understanding of policing culture. This tends to translate well into clinical practice, as these first responders have gained trust (which is difficult for police) and feel they do not have to explain the nuances of their job. According to Dr. McGrory, when people need help, time is of the essence and you need "to strike the iron when it is hot," or the opportunity to help someone reduce trauma symptomatology or develop healthier coping skills could be lost.

Dr. McGrory's involvement with AFCC-O has played an important role in his transition from court-related work to police psychology. Psychology is sometimes seen as a fish out of water in the court system, just as it can be with the police service. However, times are changing, and

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AFCC-O MEMBER SPOTLIGHT - continued

interdisciplinary organizations like the AFCC-O exemplify the value of working together across disciplines to improve outcomes for people - whether they are parent litigants fighting for a place in the lives of their children, or first responders witnessing all manner of traumatic events on a regular basis.

One of Dr. McGrory's favourite aspects of his work for the Essex area police services is the training and consultation that he does for their peer support programs. The Windsor Police Service developed their peer support program in 1989, under the guidance of Dr. Bill McDermott. This was long before this type of program was considered essential to addressing the mental health of first responders. Peer support is centered on the concept that people are more likely to talk to a co-worker because they believe they can relate, as they have a shared experience.

Dr. McGrory joined AFCC-O's Board of Directors in 2014 and was Vice President in 2016. He resigned in October 2018. Dr. McGrory explained that he will miss the people and interdisciplinary work of AFCC-O, but "things change, careers evolve, and this is a good thing."



Dr. Kim Harris, AFCC-O Board member & Newsletter Committee member



Don't miss the opportunity to schmooze with AFCC International members at this spectacular event in Toronto, Ontario!

Mark your calendars to attend AFCC's 56th Annual Conference, The Future of Family Justice: International Innovations

May 29-June 1,2018

Program Brochure available January 2019



www.afccnet.org/Conferences-Training/AFCC-Conferences/ctl/ ViewConference/ ConferenceID/158/mid/615

FRO ENFORCEMENT AS AN A2J BARRIER Karla McGrath & Rachel Law



Operating in a jurisdiction where students are not permitted to represent clients in Family Court, the Queen's Family Law Clinic (QFLC) uses a limited scope retainer to maximize the number of clients served while also providing students with a challenging and dynamic learning opportunity. In the course of their work at the QFLC, the staff and students have come across a significant and largely unknown gap in access to justice. It usually comes about when a support payor suffers a catastrophic financial downturn and the *Child Support Guidelines*, if applied, would have the payor owing far less

than required by the existing child support order. A change to the court order is required and, due to the complex nature of even the simplest court process, such a change to the order is beyond the capacity of the payor as a self-representing litigant. Despite having little or even no income, these clients do not qualify for the assistance of Legal Aid due to the nature of their main matter – a Rule 15 Motion to Change seeking a reduction in child support. Unable to retain a lawyer, the payor cannot bring their support obligation in line with their new circumstances. Arrears accumulate, sometimes for years or even decades, and enforcement measures ensue; meagre incomes required for the necessities of life are subject to garnishment, driver's licenses are suspended, and some payors even find themselves under threat of incarceration.

The impact of this issue can be far-reaching and among our clients have been: parents ordered to pay support even when they themselves have assumed care of the children for whom the support is payable, parents whose children are grown and have children of their own, and parents who are paying support for a child who has been adopted out of the support recipient's care. The perception that these payors are simply "deadbeat dads" pervades their efforts to get any form of assistance with changing the existing order. This negative perception continues into the court process, notwithstanding the fact that many of these clients suffer



from debilitating physical, mental, or emotional challenges that prevent them from being able to work and that they have, in fact, no obligation per the *Child Support Guidelines*.

In many of these cases, a significant amount of time has passed since the support recipient and payor have been in contact, and the support payor often does not know where the recipient can be located for service. Therefore, before bringing an action to change the support order, the payor has to first ask the court for an order permitting service via a method other than personal service. Meanwhile, the Family Responsibility Office (FRO) continues to enforce on the obligation, taking money that, but for the existing order, the support payor would not owe. Once the money is collected from the

FRO ENFORCEMENT AS AN A2J BARRIER - continued

payor, it is disbursed to the recipient. That money, once disbursed, is difficult or even impossible to retrieve, resulting in the client overpaying support. In cases that have carried on for years, that overpayment is often calculated in the tens of thousands of dollars. The FRO will not halt these enforcement measures without a court order, and so the QFLC works with the client to achieve a stay of all enforcement efforts so as to at least prevent an even larger overpayment by the client. Finally, once those two motions have been heard, the QFLC and the client are then in a position to bring the Motion to Change the original and still ongoing child support order and request an adjustment to the accumulated arrears.

We have found that student caseworkers are well-positioned to tackle this complex, interrelated set of challenges that they have come to call The Trifecta – a combination of a Motion for Substituted Service, a Motion to Stay Enforcement, and a Motion to Change. In doing this work, law students are able to have a measurable impact on the lives of challenged (and often challenging) clients while also learning to prepare, issue, serve, and file documents, track and meet deadlines, and engage a variety of counsel and community agencies.

In the Spring, we had the opportunity to discuss these files and present our work to the national conference of the Association of Canadian Clinical Legal Educators (ACCLE), and following that were invited to present for a "Lunch & Learn" for Legal Aid Ontario. Through this evolving project we are exploring problems and solutions and bringing the perspectives of lawyers, students and, through those, that of these vulnerable and underserved clients.

For those interested in learning more, our presentation is available for viewing at:

www.youtube.com/watch?v=11fzhCwzTJY&feature=youtu.be.

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We are continuing to move forward with next steps for the project and we welcome your feedback. You can also look for our presentation at the 56th Annual AFCC Conference in 2019.



Karla McGrath is the Executive Director of the Queen's Law Clinics and the founding director of the Queen's Family Law Clinic. Karla is also a Newsletter committee member. Karla can be reached via email: karla.mcgrath@gueensu.ca



Rachel Law is a former QFLC Student Caseworker and a graduate of Queen's Law, class of '18. She is articling with the Queen's Law Clinics, working with both the Queen's Family Law Clinic and Queen's Legal Aid.

BILL C-78: REFORMING THE PARENTING PROVISIONS
OF THE DIVORCE ACT
Nicholas Bala



On 22 May, 2018, the Liberal government introduced Bill C-78 to Parliament. This Bill will, if enacted, amend the parenting provisions of the *Divorce Act*, the first significant change to this part of the legislation since it came into effect in 1986.

There have already been similar statutory changes to the parenting laws in a few provinces, as well as appeal court decisions in Ontario that have encouraged moves towards the use of "parenting plans" and have abandoned the archaic and proprietary terms "custody" and "access." While Bill C-78 should have only limited impact on those family justice professionals who have already adopted child-focused collaborative approaches to family dispute resolution, it is hoped that the amendments will have a significant impact on the courts and on practitioners who have a more adversarial approach to family law, as well as on self-represented litigants who may look to the *Divorce Act* for guidance. It is already important for lawyers, mediators, and judges to be aware of these proposed amendments, as there may be retrospective effects from these amendments: most notably, the proposed legislation will give more weight than the present law to clauses that restrict relocation with a child.

Bill C-78 will affect the making of Orders and Agreements concerning children and parenting, and it includes provisions that will:

- abandon the "custody" and "access" terminology now in the Divorce Act, introducing the more child-focussed concepts of "parenting time" and "parental responsibilities," that are to be incorporated into "parenting plans";
- encourage parents and professionals to settle disagreements outside of the court process using mediation or other collaborative processes, though parents will not be required by Bill C-78 to use such alternatives to the courts;
- encourage recognition of the importance of one parent supporting their child's relationship with the other parent;
- specifically address issues of family violence, requiring courts to consider the effects of spousal abuse on both the immediate victim(s) and the children, and requiring judges in divorce proceedings to make inquiries about whether there are other concurrent proceedings;
- provide that the views and preferences of children should be considered by decision-makers: children must have a voice, but not necessarily a choice; and
- change the law governing cases where one parent wishes to relocate with a child.

Many of the changes proposed by the *Bill* related to post-divorce parenting are similar to reforms already introduced in Alberta, British Columbia, and Nova Scotia, for post-separation parenting. In theory, at present in those provinces, the terminology and concepts of the current federal *Divorce Act* are applied to married partners who are divorcing, while parents who never married are governed by the provincial statute. In fact, practice and terminology for both married and unmarried partners who are separating in those provinces were significantly affected by the reforms to provincial law.

Similarly, it is to be expected that if the federal *Divorce Act* is amended, this will likely affect practice regarding unmarried parents in Ontario, who in theory are regulated by the provincial *Children's Law Reform Act* which has not yet been amended. For the sake of

BIII C-78: REFORMING THE PARENTING PROVISIONS - continued

clarity, it is to be hoped that the Ontario government will enact similar reforms to Bill C-78. It will also be important for Ontario to undertake procedural and programmatic reforms to help further the emphasis on non-court family dispute resolution that is emphasized by Divorce Act reforms.

The Justice and Human Rights Committee of the House of Commons heard from witnesses and received briefs in November. A number of advocates for "equal shared parenting," such as the Canadian Equal Parenting Council, appeared before the Committee to propose enactment of a statutory presumption that "equal parenting time" is in the best interests of children. Although these advocates asserted that the enactment of such a presumption is supported by social science research and has been introduced in a number of jurisdictions, in fact only Kentucky has enacted a presumption of equal parenting time. Further, there is a significant body of social science research, including articles in the October 2017 issue of the Family Court Review, that raise serious concerns about a legal presumption of equal parenting time.

Advocates for abused women, such as the <u>National Association of Women and the Law</u>, made submissions to the Committee expressing concerns that the new law's encouragement to reach out-of-court resolutions could force victims of family violence into accepting unfair settlements or dangerous situations, and proposed amendments to ensure the safety of women and children.

Visit AFCC-O's <u>Recent Initiatives webpage</u> to view their letter sent to the Minister of Justice regarding the proposed changes included in Bill C-78, and Professor Nicholas Bala's (AFCC-O Board member) presentation made before the Committee on November 28, its last day of public hearings. While Bill C-78 is clearly a progressive measure, there are concerns that governments will not provide sufficient resources to allow for proper implementation and for the kind of "cultural changes" intended by the new law.

There are other provisions in Bill C-78 that will affect family justice. For example: dealing with such issues as preserving the priority of spousal property claims in bankruptcy, improving access to financial information and tax returns to help establish and enforce support obligations, and facilitating international enforcement of parenting rights and child support obligations.

The Bill must complete the House of Commons Committee, receive 3rd reading, and then go to the Senate. There is never certainty with the legislative reform process, and there may be some relatively minor amendments as a result of the hearings, but the government seems to support the individualized approach to determination of a child's best interests, rather than support a presumption of equal time, an approach supported by the briefs submitted by the AFCC-O and others. It seems likely that the Bill will complete the legislative process in the Spring, and come into force before the Fall. The delay between Royal Assent and the amended Act coming into force will allow time for governments and professionals to prepare for implementation of the new law. The AFCC-O will be undertaking various projects to provide education for professionals and parents about the new law.



COMMUNITY CORNER: PEACEBUILDING: THINK GLOBALLY, ACT LOCALLY



Over the last two decades, I have been working in the field of family conflict resolution as a family lawyer and mediator. I want to share my journey from local to global-acting locally with my gender equality work, and thinking globally for sustainable development and peacebuilding work.

Mediators Beyond Borders International

When I joined an international not-for-profit organization "Mediators Beyond Borders International" ("MBBI"), I committed to building a more peaceable world, to building local skills for peace, and to promoting mediation worldwide. I was attracted to MBBI for its people-centric approach and emphasis on collaboration and inclusiveness.

Through MBBI, I became part of a global network of peacebuilders. I learned the revolutionary concept of "Positive Peace": "justice for all" that involves the unfolding of conflict in a constructive way, which is broader than "absence of violence". Peace is the process of building resilient and just societies.

Consultative Status to United Nations

MBBI invited me to the United Nations ("UN") Working Group. MBBI has a special NGO consultative status with the UN's Economic and Social Council (ECOSOC). This led me to participate in activities at the UN platform. In 2018, I was part of MBBI's delegation for two major events held at the UN Headquarters in New York: Commission on the Status of Women (CSW62), and the High-Level Political Forum 2018 (HLPF).

Sustaining the Peace Agenda

The fundamental shift in the UN's approach to peace and conflict came in April 2016 with the concept of "Sustaining Peace", adopted in resolution of the Security Council and General Assembly. This new agenda required a change in mindset from reactive to proactive. Although conflict prevention and Positive Peace are two sides of the same coin, the UN Secretary-General António Guterres has openly told the Security Council that the UN must be "bold and creative" in harnessing the avenues and capacities available for mediation and make prevention its priority.

Symbols of Peace and Non-Violence

When I stepped into the UN Headquarters in New York, I could feel history breathing through the iconic building. It reminded me why the UN is described as a "Parliament of Nations", a voluntary forum created to avoid future wars through preventive diplomacy and dialogue amongst nations. The UN is built on three pillars: peace, human rights, and development.

At the public entrance, a sculpture captured my attention. Carl Fredrik Reuterswärd's "Non-Violence" was a gift of the Government of Luxembourg to the United Nations. It symbolizes non-violence by replicating the revolver with a knotted barrel, with the muzzle pointing upwards, standing tall for peace. The "Meditation Room", a quiet space dedicated to world peace, is known as "a room dedicated to silence in the outward sense and stillness in the inner sense."

CSW62

The Commission on the Status of Women (CSW) is a global policy-making body, dedicated exclusively to promoting gender equality and the empowerment of women. The Commission's mandate is to prepare recommendations on promoting women's rights in the political, economic, civil, social, and educational fields. Representatives of Member States, UN entities, and NGO's gathered at the UN Headquarters for the Commission's annual session.

PEACEBUILDING: THINK GLOBALLY, ACT LOCALLY - continued

I attended CSW62 with two other Canadian delegates from MBBI, Mina Vaish and Tricia Morris. At the opening ceremony, the General Assembly Room heard statements from various countries sharing their national policies, legal frameworks, and strategies to accelerate progress on gender equality.

HLPF: Sustainable Development Goals

In 2015, the General Assembly agreed on the *Global Agenda 2030*, with 17 Sustainable Development Goals (SDGs), which are the development targets for 2016 to 2030. The *Agenda 2030* pledges "to leave no one behind".

The Agenda 2030 explicitly recognizes the strong impact of violence and insecurity on development, and vice versa. Particularly, Goal 16 is to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

In July 2018, I attended the High-Level Political Forum, which is the main UN platform on SDGs for follow-up and review of the 2030 Agenda at the global level.

Canada's Voluntary National Review (VNR)

On July 17, 2018, Canada presented its first VNR Review report at the HPLF, which highlights Canada's progress and action plan to achieve the 2030 Agenda. According to the SDG Index and Dashboards Report 2017, Canada ranks 17th on SDG index ranking. However, Canada's Voluntary National Review underscores the Canadian government's commitment to implement all 17 SDGs.

Rule of Law and Women's Participation

The Rule of Law is the bedrock upon which the UN is built. In 2012, this high-level declaration covered the importance of judicial systems to informal justice systems, and reaffirmed that the Rule of Law is indispensable for upholding peace and security, encouraging sustainable development, and respecting human rights.

The UN has also recognized that certain obstacles prevent women from accessing their legal rights, resulting in discrimination and inequality, which in turn hampers their ability to live free of violence and contribute to society as full and equal citizens.

The UN Security Council has also recognized the importance of increasing women's participation in resolving conflicts and building peace, particularly at decision-making level, since its landmark Resolution 1325. The Sustaining Peace Agenda recognizes that women's rights are vital to achieving peace and justice, so that all individuals can fulfill their potential with dignity and equality. New evidence from the Geneva Graduate Institute's Broadening Participation Project shows that when women's groups were able to effectively influence the process, a peace agreement was almost always reached and the agreement was more likely to be implemented. The project examined the roles of women's groups (and other groups) in forty peace and transition processes. New statistical research involving a larger dataset also shows that women's participation increases the probability that the peace agreement will last longer.

One important lesson I have learned from this volunteer work is that we have to break down the silos amongst various professions and take an integrated approach for sustainable development and peacebuilding.



Archana Medhekar, B. Sc. LL. M., is a Certified Family Law Specialist and Accredited Family Mediator practicing in Toronto, Ontario. She is a co-chair of the SDG Action Group of MBBI as High Level Political Forum (HLPF) 2019. You can reach her by e-mail at: amlaw@amlaw.ca. Archana is also an AFCC-O Board member, and Newsletter Committee member.

AFCC-O AWARDS & SCHOLARSHIPS

The AFCC-O is pleased to announce we have two recipients of the 2018 Nicholas Bala Award for Student Excellence.

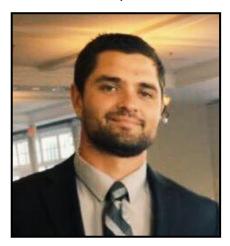


Beth Ambury obtained her Bachelor of Arts at the University of Western Ontario and her Master of Fine Arts in Creative Writing degree at the University of Montana. She taught daycare and preschool throughout this time, which put her on the path to a career advocating for children and their families.

Ms. Ambury graduated from Queen's University's Faculty of Law in 2018. There, she participated in the Walsh Family Law Moot, first as an oralist then as a student coach. She worked as a student caseworker at the Queen's Family Law Clinic (QFLC), where she prepared family court documents for self-representing litigants and

guided them through the court process. She also worked with Pro Bono Students Canada's Family Law Project as volunteer and then as project coordinator for the group of students providing access to justice to family litigants in Kingston. These clinical experiences taught her the most invaluable skills of law school: how to engage vulnerable clients, listen effectively, and create productive relationships to help clients translate the legally-significant issues of their individual situations into precise court documents. Ms. Ambury acted as Professor Bala's research assistant from 2016-2018, where she conducted research into family court litigant experiences, parental alienation, spousal support entitlement, and child support.

Ms. Ambury is currently articling at a small law firm in Napanee, Ontario. She is interested in interdisciplinary family law to ensure that children are best supported through their family breakdown to minimize long-term negative effects from the trauma of separation.



Shawn Stewart obtained an Honours Bachelor of Arts in Psychology with a Sociology minor, and an Honours Bachelor of Education from the University of Windsor. He volunteered with Big Brothers and Big sisters for two years. During his undergrad he was employed by Windsor Family Respite, where he was a program coordinator for Fantastic Fridays; a social program for Autistic young teens from the ages of 12-18.

Shawn attended the University of Windsor for Law and graduated in June of 2018. In his time at the Law school he worked for Legal Assistance Windsor, and was part of Pro Bono Student Canada's (PBSC) Family Law Project, volunteering at the Ontario Court of Justice. Shawn

created the Windsor Family Law Society at Windsor Law and was the first ever President. He was invited to speak at the Windsor AFCC Roundtable on November $30^{\rm th}$, 2016 to discuss the future of Family Law in Ontario. Shawn represented Windsor

AFCC-O AWARDS & SCHOLARSHIPS - continued

Law in their first ever National Baseball Arbitration Competition held in Tulane, Louisiana this past January. In 2017 Shawn became the Program Coordinator for Windsor Law's PBSC program, and spoke at the National PBSC conference in May of 2018 on how to successfully organize a PBSC chapter for success.

Shawn has accepted an articling position with Kirwin Partner LLP in Windsor ON, and is currently working there to complete his articles. Shawn still continues to provide in-home respite services in Windsor.



The Nicholas Bala Award for Excellence

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

The submission deadline is **May 1st** of each year.

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

www.afccontario.ca/awards/

The deadline to apply for a scholarship to attend the AFCC-O's 11th Annual Conference on October 18, 2019 is May 15, 2019



The AFCC-O scholarship recipients are not the only beneficiaries of AFCC-Ontario and AFCC International scholarship funds. Colleagues and courts in their communities, as well as children and families enmeshed in conflict, also benefit. Scholarship recipients take advantage of networking opportunities and state-of-the-art training that are the hallmark of all AFCC conferences. Scholarship recipients include parenting coordinators, child custody evaluators, court services personnel, social workers, lawyers, mediators, graduate students and others who work with children and families.

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

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

AFCC AND AFCC-O MEMBERSHIP BENEFITS

AFCC membership includes:

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

Throughout Ontario, the AFCC-O is working with professional groups in different communities. For example, Standing AFCC-O Sub-Groups in the Kingston and South West Ontario; and High Conflict Forums in Hamilton, London, Toronto, York, and Ottawa. We have traveled to Thunder Bay to meet with professionals working with families in the justice system in North Western Ontario. Through our Membership Committee we are working on development of a webinar schedule, and long distance plan to deliver education programs.

Kingston: This group regularly hosts meetings, generally a panel representative of the multidisciplinary nature of AFCC-O, followed by audience discussion. The catchment area includes Kingston, Belleville, Perth, Brockville, Cobden and Napanee. Download "Negotiating the Family Justice Maze", or a Kingston regional resource list of services for separating and divorcing parents. For information on the "AFCC-OK" Working Group please email kingstonafcco@gmail.com.

South West Ontario: Round Table dinner meetings are held quarterly in Windsor for the professionals in the Sarnia, Chatham, Windsor, St. Thomas and London-Middlesex area. Organized to reflect current topics (access to justice, high conflict, dispute resolution options to name a few) AFCC-O has partnered with Bridging Family Conflict and Jennifer Suzor to deliver these programs. For information on this group contact jsuzor@familylawspecialist.ca.

Ottawa Region: A new group is forming in the Ottawa area. The first event held Nov. 13, 2018 was *High Conflict: consulting or court room?* which included discussions on how the court room and mental health services can collaborate. Anyone who is interested in participating in future events please email info@afccontario.ca.

High Conflict Forums: Many AFCC-O members support the efforts of various High Conflict Forums across the province through dialogue, information sharing, trainings, research, and/or consultations.

For more information visit our Standing AFCC-O Sub-Group webpage

As a member of the AFCC-O you will receive regular notices of upcoming events offered by these groups. If you are interested in setting up an event in your area, whether one time or regularly, we can assist you. Please contact us at info@afccontario.ca.

FILM REVIEW



Jusqu'a La Garde / Custody (2017) (France)

Jusqu'a La Garde can be viewed as a follow-up to the 2013 short film, Avant Que De Tout Perdre. The film revisits Miriam and her children, Julien and Josephine, an undisclosed amount of time after they fled from the abusive Antoine. Though they had resettled, the peace was fleeting as Antoine has followed them and relocated in the same area.

The film opens with a glimpse into the parents' custody battle as they and their counsel appear before a judge who is tasked with determining the children's schedule. Unlike the viewer (who may have witnessed Avant Que De Tout Perdre and peered into the abusive relationship and the frantic flight to safety), the judge knows only the material at her disposal. Predictably, it is a "he said, she said" case, and both parties have come armed with their own "facts." A compounding issue is the presence of child resistance, as the children are refusing to see their father. Miriam believes the resistance is a product of abuse and fear, and Antoine suggests that Julien

may be being influenced by his mother. While Josephine, who is just shy of her eighteenth birthday, is felt to be of sufficient age to make up her own mind, Julien is another question. He has provided his "views and preferences" via written statement and himself does not want to see his father, but it will be up to the judge to decide.

In the end, Antoine has presented himself as a misunderstood and wrongly vilified father who loves his children, and he is awarded visitation. However, his true nature can only lurk in the shadows for so long, and the real Antoine begins to emerge.

From the tense first pick-up onward, the film chronicles not only Julien's resistance and the ever-worsening situation with his father, but also the ever-spiralling Antoine and his growing loss of control. The father-son interactions are truly intense and jarring to bear witness to, and Julien's suffering and fear is remarkably portrayed. What provides more dramatic tension is the portrayal of Antoine - a controlling and abusive father who is ultimately denied and strives to reclaim his control by further escalating means.

As Antoine spirals, his behaviour impacts everyone, producing rifts within his own family. Before long Antoine finds himself an outsider to all. Not one to be denied, Antoine proves with frightening presence his intention to reclaim Miriam and show her that freedom is not hers to choose.

As was the case with Avant Que De Tout Perdre, Jusqu'a La Garde provides the viewer with continuous tension that grows with every scene. As the story unfolds the viewer is left with an uneasy feeling at every turn, waiting for what feels like the inevitable dark outcome for Miriam and the children. When Antoine hits his breaking point, the film speeds toward a dramatic crescendo and he demonstrates what he is truly capable of in his pursuit of control.

Jusqu'a La Garde is available through iTunes France. It had limited North American theatrical release in 2018.



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

AFCC ONTARIO CHAPTER'S DECADE OF ACCOMPLISHMENTS



2018 - a Year in Review,

AFCC-O has been busy once again during the past year of operation (October 2017 to October 2018), continuing the work on access to justice projects and various other important outreach initiatives. Dr. Dan Ashbourne, C. Psych., was AFCC-O's President, with Brian Burke the President-Elect and Treasurer. Other Executive members for AFCC-O were: Justice Gerri Wong (Past President), Maxine Kerr (Secretary), and Justice Phil Clay (Vice-President).

This has been our 10th year as a Chapter of the international AFCC organization, and a year to celebrate our many accomplishments. Our Annual Conference on October 19, 2018 had Dr. Michael Ungar as the keynote, speaking around the theme of "The Future of Youth: Moving Beyond Risk to Resiliency." A Pre

-conference Institute [Supporting Adopted Youth to Maintain Openness Connections with Birth Family and Communities] and a New Professionals event [Parenting Issues in Family Law: Working with Assessors, Mediators and Other Family Professionals] were followed by a social reception and "Evening of Excellence," with over 100 attending a dinner to honour various AFCC -O members and organizations that have supported the Ontario Chapter over the past 10 years.

This year's Walsh Family Law Moot and Negotiation Competition took place in March 2018, and continued to grow in size and interest from various law schools. The next Competition will be on March 9, 2019 in Toronto. Outreach programs continued to occur in the Southwest of the province (Windsor) and in the East (Kingston), with a new event in Ottawa on November 13, 2018, focused on "High Conflict: Consulting or Court Room."

With 2019 seeing the return to Toronto for the International AFCC conference, , the Ontario Chapter events will change locations and will be hosted in Hamilton on October 17 and 18, 2019. A call for proposals has gone out with the December AFCC-O e-blast. Monthly E-blasts continue to share the good news and upcoming events across the province and keep our members informed.

AFCC-O was invited to consultations with the Attorney General of Ontario regarding Access to Justice on November 22, 2017 in Toronto, and we were asked to speak on "Ideal Family Law & Court Reform Call to Action." Topics discussed were the expansion of Unified Family Courts, supporting community services, and other methods to enhance access to justice for families.

AFCC-O has supported various research projects over the years, and in the 2017-2019 period, Dr. Rachel Birnbaum and Dr. Denise Whitehead (both longstanding members of AFCC and AFCC -O) have spearheaded a project entitled "Exploring the Benefits and Challenges of Mediation Services in Ontario."

Lastly, the Federal Government introduced Bill C-78 "an Act to amend the parenting provisions of the *Divorce Act*, the *Family Orders and Agreements and Enforcement Assistance Act*, etc.", and AFCC-O wrote a response to the proposed changes in Bill C-78. This response can be found on our <u>Recent Initiatives</u> webpage.

Working alongside the Executive Committee, the AFCC-O's 15 Board members will continue to work on your behalf by responding to government invitations and legislative changes, maintaining regular outreach and professional development for members, and keeping the channels of communication open via newsletters and e-blasts. To view our 10 years of history articles, please visit our new AFCC-O Chapter History webpage for details on our accomplishments over the past 10 years.



Dr. Dan Ashbourne, C. Psych., Past-President of AFCC-O, and Newsletter Committee Chair

ADULT CHILDREN OF DIVORCE AND ADDITIONAL COMMUNITY PROGRAMS



The Adult Children of Divorce DVD was created by a working group of the AFCC-O and launched for professional education purposes at a Round Table in Windsor in November 2015.

In the last three years we have loaned the DVD for use in lawyer and judge education in British Columbia, to the Alberta Chapter, and within the province of Ontario to various groups of mental health professionals, judges and lawyers in many cities such as London, Windsor, Toronto, Peel, Newmarket, and Kingston.

The DVD contains a number of poignant one-on-one interviews with adult children of divorce, followed by professional interviews on questions related to working with families and children. Most frequently shown during meetings of multidisciplinary professionals working with families, the program is an education opportunity as well as a tool in the important discussion of how children are impacted by separation and divorce.

In September 2017 Board members Dr. Dan Ashbourne, Brian Burke and Justice Gerri Wong, together with Katherine Kavassalis of the OCL, Mary-Anne Popescu of OAFM and Kathleen Chapman of Mediation North, took the DVD on the road to Thunder Bay for Membership outreach in the community and with the Lakehead University Law School.

Community Programs

The AFCC-O has developed several Community Programs to assist in membership outreach, education and development. They provide local communities of practice, professional associations, and new groups with a creative way to network and learn with and from colleagues in their areas.

We invite you to host an AFCC-O sponsored event. We can connect you with AFCC-O members in your area or provide guidance through a Board or Membership Committee member. Invite AFCC-O members and other professionals in your community to attend. We are able to provide a subsidy and printed resource material for your event.

Programs currently available include: Adult Children of Divorce; How to Build a Thriving Practice, Prevent Complaints and Feel Rewarded.

Programs we are developing include:

- After-work meetings in a collegial and relaxed atmosphere, where an assembled group of multidisciplinary professionals can discuss various topical issues and initiatives, share insights, and network.
- Webinars have been immensely successful at the AFCC International level, so stay tuned for the launch of the AFCC-O's webinars coming soon.
- An update of the multi-day program in Child Protection Law, in collaboration with the Law Society of Ontario.

For further information on current programs and ones we are developing visit our Community Programs webpage at

www.afccontario.ca/community-programs, or contact us via email info@afccontario.ca

AFCC-O RESEARCH



AFCC-O'S 2017-2019 RESEARCH PROJECT:

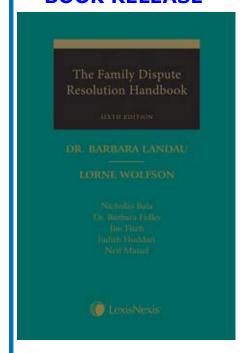
Exploring the Benefits and Challenges of Mediation Services in Ontario

The AFCC-O is providing financial and other support to a research project on Court-based Family Mediation Services in Ontario, being undertaken by Dr. Denise Whitehead of the University of Waterloo and Dr. Rachel Birnbaum of King's University College, Western University.

The project is examining what works and what is not working with respect to court-based mediation services as well as private mediation in Ontario. The project is beginning in the Fall of 2017, and a final report will be completed and made available on the AFCC-O website by January 15, 2019.

The researchers gave a presentation at the AFCC-O 10th Annual Conference on October 19, 2019. Visit AFCC-O's Research, Recent Initiatives webpage to view more information on this research project.

RECENT BOOK RELEASE



The Family Dispute Resolution Handbook, 6th Edition

Longstanding AFCC-O member Dr. Barbara Landau produced The Family Mediation Handbook first edition in 1987. This latest influential 6th edition handbook was published by Lexis Nexis in September 2018.

Less than 2% of families resolve their family law issues in court, so they need alternative processes that encourage cooperative, timely and cost effective resolutions. This book incorporates all types of dispute resolution for family law (mediation, arbitration, collaborative practice, parenting coordination), discussing each of these processes in depth.

By Authors: Dr. Barbara Landau and Lorne H. Wolfson; and **Contributors:** Nicholas Bala, Dr. Barbara Fidler, Jim Fitch, Judith Huddart, and Neil Maisel

www.store.lexisnexis.ca/en/categories/shop-by-jurisdiction/federal-13/the-family-dispute-resolution-handbook-6th-edition-skusku-cad-00783/details

THE BENEFITS OF ENGAGING PARENTING COORDINATORS FOR SEPARATING FAMILIES
Steve Benmor

The move toward shared parenting arrangements and away from sole custody in high-conflict families has led to a greater need for Parenting Coordinators ("PC").

Historically, the parent with sole custody made all major decisions regarding the child, while the other parent, usually called the access parent, found out what those decisions were after the fact. In some cases, the access parent was entitled to consult with the custodial parent before the custodial parent made the decision. Again, in those situations, the decision was made by one parent.

However, with the rise in shared parenting, joint custody, and shared custody cases, more and more families have been required to reach joint decisions on major issues pertaining to the children. But not all issues are simple, and not all parents are able to collaborate. This has resulted in a spike in the need for Ontario's families to use a PC.

PCs help parents resolve their differences through discussion, education, counselling, mediation and, in some cases, binding arbitration. Parenting Coordination first appeared in the United States decades ago but has been used more regularly in Ontario in recent years. PCs become involved after the primary issues, such as the parenting schedule, property division, and support have been settled. PCs help families with all aspects of implementing a parenting plan, including vacations, daycare, education, extracurricular activities, religious observances, minor changes to parenting times, health care, and communication between the parents.

PCs are extremely useful in coaching parents on better communication. The popular website and app called *Our Family Wizard*, which is designed to assist divorced parents communicate, is well-suited for PCs as it grants them access to monitor parent communication, check-in on the status of the children, and mediate disputes online.

In British Columbia, PCs are part of a regulated profession and judges have the authority to direct parents to hire and work with a PC. In Ontario, legislation exists that allows parents to voluntarily retain a PC, but judges lack the power to appoint a PC for a family, as held by their counterparts in B.C.

Mental health professionals have historically been providing PC services because they have counselled parents through disputes. But lawyers are now joining the ranks because of their experience with high conflict cases. Lawyer PCs bring with them a strong understanding of legal process and the rules of evidence, if and when a dispute must be arbitrated.

A PC is one of the best resources for parents to smoothly navigate post-separation parenting without the need for lawyers and judges, while insulating children from any conflict.



Steve Benmor, B.Sc., LL.B., LL.M. (Family), C.S., is certified as a specialist in Parenting Coordination by the Family Dispute Resolution Institute of Ontario and a Certified Divorce Mediator by the Alternative Dispute Resolution Institute. Contact Steve at: steve@benmor.com.

AFCC & AFCC-O UPCOMING EVENTS

2019

January 9: AFCC Webinar, Highlights of 2018 Family Court Research

February 21: AFCC Webinar, Parenting Coordination Guideline Revisions

February 27: Roundtable Dinner Series, Mediation Models, Types of Processes - Windsor, ON

March 4: AFCC-O Kingston, Bill C-78, The Divorce Reform Bill - Kingston, ON

March 9: Walsh Family Law Moot & Negotiation Competition - Toronto, ON

March 19: AFCC Webinar, Assisting Attorneys Behind the Scenes: Trial Consultation Basics

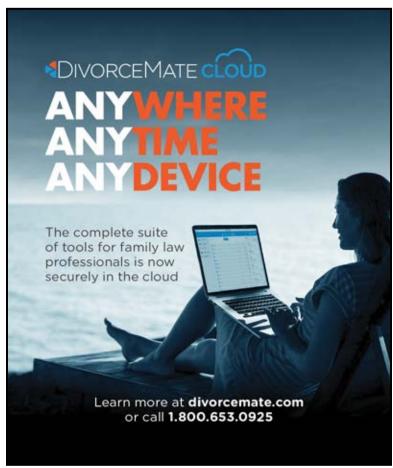
April 24: Roundtable Dinner Series, High Conflict and Using New Ways for Families to Respond- Windsor, ON

April 25: AFCC Webinar, Set Another Place at the Grownup's Table: Child Participation in FDR

May 3: Co-hosts AFCC-O and CAS, Full day workshops including Adult Children of Divorce program - Sudbury, ON

May 7: AFCC Webinar, Not Just Alienation: Resistance, Rejection, Reintegration, etc.

May 9: Chatham Outreach Event sponsored by AFCC-O, Difficult Positions



May 29-June 1: AFCC 56th Annual Conference (International) – Toronto, ON

June TBA: AFCC Webinar, Negotiation Strategies for Family Law Professionals

July 17: AFCC Webinar, A Meta-Analysis of Child Adjustment in Different Custodial Arrangements

October 18: AFCC-O New Professionals, Pre-Conference Institute & Social - Sheraton Hotel, Hamilton, ON

October 19: AFCC-O 11th AGM & Conference, *The Changing Landscape in Family Law* – Liuna Station, Hamilton, ON

Visit our website <u>Events Calendar</u> to view upcoming event details for the above AFCC, and AFCC-O professional training.

Continuing education credit information provided when available.



11TH AGM & ANNUALCONFERENCE LIUNA STATION, HAMILTON, ONTARIO

OCTOBER 18,2019 THE CHANGING LANDSCAPE IN FAMILY LAW

CALL FOR PRESENTATIONS

AFCC Ontario Chapter is pleased to call for presentations for the 11th Annual Conference with a theme of <u>The Changing Landscape in Family Law</u>. As the only organization of its kind in Ontario, we bring together the judiciary, researchers, lawyers, mental health professionals, family professionals and others interested in family justice. This conference will allow us to learn, share information and network. We are inviting members and others to submit proposals. Presentations that address culturally appropriate practices as well as diversity will be of particular interest.

Presentations topics may include, but are not limited to:

- Transition/transgender issues for youth or parents
- Multigenerational families and caregiving for children
- The voice of children in family law decision making, particularly in situations where a young person is refusing contact with a parent
- Youth in the child welfare system, and the impact of the recent amendments to the CYFSA – achieving permanency and improved outcomes for youth in child welfare
- Youth criminal justice issues, including "cross-over youth" (who straddle both YCJA & child welfare systems)
- Impact of changes in the Divorce Act

Submit your proposal by sending the requested information to:

Michelle Hayes Co-Chair, Conference

mhaves@afccontario.ca

Deadline is March 1, 2019

Workshops will be 60 minutes in duration. To submit a proposal, please include the following information:

- 1. Workshop title;
- An abstract of 250 words or fewer describing your proposed workshop and how it fits within the Conference theme and vision of AFCC Ontario Chapter;
- 3. An 80 word, program ready summary of the workshop, as well as three learning objectives that will be addressed by your proposed workshop; and
- Confirmation of the contact person, names of other presenters and brief biographies.

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- Conflict resolution skill development: leaving history in the past and staying in the present, identifying issues in non-blaming manner; practicing "radical acceptance;" practicing problem solving.
- Taking responsibility: recognizing that parent hurt, anger and conflict is damaging to their children.

Sample Homework

 Put a photo of your coparent (nicely framed in a prominent place on wall or bureau or nightstand) in your child's bedroom. Parent fights can force kids to try to resolve adult issues and blame themselves when they fail.

Kids almost never care about the things parents are fighting about; they just want the fights to stop.

You cannot be a good parent and a lousy coparent.



A Step-by-Step guide on how you can teach nine (9) classes, including all homework, handouts and video clips.

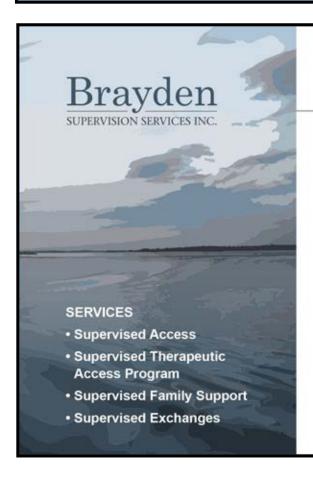
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