

# Association of Family and Conciliation Courts Colorado Chapter



## Winter News

Winter 2013  
Volume 4, Issue 2

### President's Message

Dear COAFCC Members,

It is my honor and privilege to serve as president of COAFCC this year. The twelve board of directors and I are in full swing chairing committees, planning and organizing programs, managing resources, recruiting members, and planning for the future. The board met for its annual retreat in July and voted to focus on five key priorities for this year. They are as follows:



- Prepare for board succession:** This year we will be thoughtfully considering how to maximize our most precious of resources—our human resources—as we plan for the future. We welcome our new committee and board members with their fresh ideas and perspectives, and we will be preparing them for possible future leadership roles within COAFCC, if they are interested.
- Adhere to the annual budget:** Three years ago COAFCC lowered membership fees from \$40.00 to \$25.00 in light of the economic downturn. Our membership base continues to grow, however, revenue from membership fees is not what it once was, and expenses continue to rise. We are managing resources as wisely as possible, and will be vigilant of our annual budget while striving to ensure quality programs and continued growth this year.
- Grow membership:** By having a diverse, multidisciplinary, statewide roster of active members, we will continue to flourish. This year we will be considering new ways to stimulate growth of our membership and planning for our continued growth in years to come.
- Devise a cost-effective outreach plan.** In addition to programs being held in the Denver metro area, COAFCC strives to make programs accessible to our members in the farther regions of the state. This year we will be devising a sustainable long-range plan for outreach programming and will aim to host one program in a non-Metro-Denver area.
- Develop a basic 3-5 year strategic plan.** On November 15<sup>th</sup>, the board of directors met for a half-day retreat to discuss a 3-5 year vision of where COAFCC is headed. We are excited to inform you that we had an extremely productive meeting and will be refining and approving a written draft of the strategic plan which will be presented to the membership later next year. I can tell you at this time that one of our key goals is to host our first multi-day COAFCC Statewide conference in October 2015 with break-out sessions that will appeal to professionals from many disciplines. Stay tuned for more details!!

I hope you enjoy the rest of this newsletter! Please feel free to contact me with your ideas and input for how to grow and enhance COAFCC.

Many thanks for your support,

Kate

kathleenmcnamaraphd@gmail.com

### Board of Directors

**President:** Kathleen McNamara, Ph.D.

**Past President:**

Armand Lebovits, LCSW, CAC III

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Honorable Robert H. Russell, II

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## COAFCC Member News

**Sunni Ball**, (Colorado Springs) Received the El Paso County Bar Association Lohman Award: Excellence on Behalf of Children and Families

**Christine Coates and Robert Backerman**, (Boulder) were awarded the annual Community Service Award by the Boulder Interdisciplinary Committee.

**Dana Cogan**, (Denver) received the 2013 Metro Denver Interdisciplinary Committee's President's Award.

If you or a COAFCC member you know has recently received an award, promotion or recognition please let us know so we can share the great news. Email: Armand Lebovits [armandlebovitslcsw@gmail.com](mailto:armandlebovitslcsw@gmail.com)

*This organization would not be what it is today without the remarkable work and dedication of past and current presidents, past and current directors, committee members and COAFCC members.*



Dedicated to improving the lives of children and families through the resolution of family conflict

### Join Today!

Benefits of Membership:

- Be part of a vibrant network of Colorado family law professionals
- The COAFCC semi-annual newsletter is packed with local news, articles, links to resources, and more
- Discounts for COAFCC conferences & training programs
- All the benefits of AFCC membership: Subscription to Family Court Review; discounts for malpractice insurance & publications; access to the Parenting Coordination Listserv
- Access to conference audios
- Support & advocacy for local community networking
- Representation on COAFCC Board of Directors
- Participation on committees, task forces & projects
- Mentoring and consultation from experts around the state

## Past President's Message

Welcome to our Fall 2013 Newsletter! I hope you have been able to enjoy this autumn weather and are looking forward with excitement to the fast approaching holidays and the New Year.

I have been both grateful and honored, to have served as your President during the last year and to continue as Past President and Chair of the Nominations Committee this year. Our current President, Kate McNamara, Ph.D., and our Vice President, Sarah Quinlan, Esq., also serve with me on the Nominations Committee. We look forward to hearing from members that are interested in being nominated for the upcoming election next spring to serve a three year term on the Board of Directors in 2014.

Please review our list of current officers, directors, chairpersons and committee members listed both in our Newsletter and on our website. If you would like to become more involved, please contact any Board member and inquire as to how you could join one of our committees.

I have been a member of AFCC since 2003 and have served on the COAFCC Board of Directors since 2008. As I look back and reflect on the last year, our officers, directors, committee chairpersons and committee members have all worked passionately to support our state chapter and to make it continue to excel. I am grateful to all of the COAFCC members that have volunteered their time on program committees and as presenters or panelists at our COAFCC conferences and our Annual Joint Conferences. Gratitude to all of you! This organization would not be what it is today without the remarkable work and dedication of past and current presidents, past and current directors, and committee members and COAFCC members.

Most recently COAFCC along with Boulder IDC (BIDC), Metro Denver IDC (MDIC) and the Boulder Institute for Psychotherapy and Research (BIPR) collaborated in bringing Jen McIntosh, Ph.D., to Colorado to speak on the topic of shared parenting, post-separation with young children. The conference was well attended, proved to be both controversial and informative, and was deemed a success.

I want to thank you for the privilege of serving as your Past President and I hope to see you at our next scheduled conference with speaker, Pamela Ludolph, Ph.D. on February 28, 2014.

Best Regards,

Armand



## If Your Client is Involved in Family Court, Now There's a Road Map!

Lyn R. Greenberg, Ph.D., ABPP  
Hon. Dianna Gould-Saltman

Psychologists often provide therapy to separated parents and their children, and may offer great benefits to clients and families. These cases can present numerous ethical and clinical challenges. While some issues arise suddenly and unexpectedly, many can be anticipated and managed from the moment a psychologist is contacted.

Treatment of any family may become court-involved, as when an intact family separates after treatment has begun. On other occasions, treatment is sought after court processes begin. Parents seeking treatment for themselves, or for a child, may be genuinely concerned for the child but may also have expectations that the therapist will become directly or indirectly involved in the parenting dispute. Just as the legal context impacts treatment, decisions and actions by the therapist may profoundly impact the individual client or family, and developments in the custody case. Ethical and clinical risks abound and general ethics codes governing psychological practice may assist in some respects, but prior to 2010 there was no specialized guidance for therapists treating court-involved families.

Families in transition are impacted by multiple systems - within the family, in the legal process, in treatment, among professionals, and when psychological practice intersects with the law. Legal processes are enormously stressful and may affect clients' perceptions, behavior, expectations, and information provided to the therapist. Complex issues related to consent, management of confidentiality/privilege issues, effective intervention, limitations of therapeutic

opinion, therapeutic alliance and the assessment of client information may arise. The therapist who fails to recognize and manage these issues may cause serious harm to both the identified client and others in the family. These risks may be present whether or not the therapist testifies.

In Colorado, judges must make complex decisions that impact, or are impacted by, the conduct of therapists. These may include issues of confidentiality/privilege, whether and how to consider therapeutic information or opinions, the credibility of parents and the validity and relevance of statements made by children. Attorneys may challenge practices they perceive to be inappropriate or harmful, and other professionals may need to consider therapeutic information and make recommendations or decisions about future treatment. Each professional may know little about the ethics codes and legal rules which apply to the others.

The Association of Family and Conciliation Courts (AFCC), an international, interdisciplinary professional organization, approved Guidelines for Court Involved Therapists in 2010. The guidelines resulted from the work of a task force convened in 2009 by Robin Deutsch, Ph.D., then AFCC president and a former chair of the APA Ethics Committee. The task force was chaired by California psychologist Matthew Sullivan, Ph.D. and Judge Linda Fidnick. Details on the development and peer review process can be found elsewhere.

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Honorable Dianna Gould-Saltman

*In Colorado, judges must make complex decisions that impact, or are impacted by, the conduct of therapists.*



Lyn R. Greenberg, Ph.D., ABPP



# Colorado AFCC Winter Conference

## **When Attachment Becomes a Determinative Factor in Family Law: A Help or a Detriment to the Courts?**

**Presented by Pamela Ludolph, Ph.D.**

Register Now ~ [www.coafcc.org](http://www.coafcc.org)

**Date: February 28, 2014**

**Registration: 7:45 a.m.**

**Time: 8:30 a.m. to 4:30 p.m.**

**Location: University of Denver, Craig Hall**

### **This program will address:**

- \* Ways in which attachment theory and research can both assist and complicate child custody determinations.
- \* The effects of resilience, conflict, father involvement and other factors on young children of divorce.
- \* The impact of a best interest analysis compared to other presumptions in determining the custody of young children.
- \* Approaches to best practices in assessing young children and their families for child custody.
- \* Approaches to expert testimony and consultation.
- \* Crafting questions for examination and cross-examination of experts in child custody cases where attachment and related issues are prominent.

### **Who should attend:**

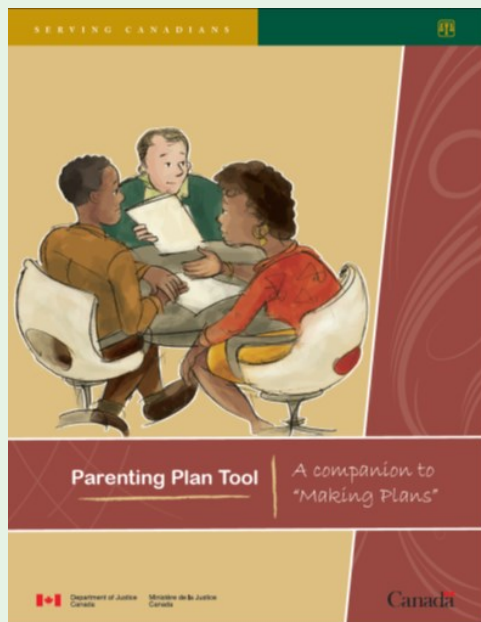
This conference will provide relevant information for professionals who work with high conflict families involving young children in separation and divorce. This prestigious, substantive conference is open to all judges, attorneys, mediators, psychologists, social workers, evaluators, parent educators, parenting coordinators, court administrators, researchers, academics and any other professional interested in better outcomes for children and families.

**Pamela Ludolph, Ph.D.**, has been an adjunct faculty member with the University of Michigan for over 25 years. Dr. Ludolph's areas of interest include attachment, alienation, relocation, and assessment, particularly in families with young children. Dr. Ludolph is a private practitioner and is the author of numerous publications. Dr. Ludolph is a distinguished speaker at state, national, and international venues for all professionals working in family law.

Three great resources to give parents information about what issues they need to address when coming up with a parenting arrangement after separation or divorce.



Massachusetts AFCC:  
<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/afccsharedparenting.pdf>



Government of Canada, Department of Justice:  
[http://www.justice.gc.ca/eng/fl-df/parent/mp-fdp/En-Parenting\\_Guide.pdf](http://www.justice.gc.ca/eng/fl-df/parent/mp-fdp/En-Parenting_Guide.pdf)

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The Guidelines were designed to achieve several purposes, including but not limited to: (1) building on existing ethical and professional practice principles to provide specific guidance to therapists who work with court-involved adults, children and families; (2) serving as an educational resource for other professionals who engage with mental health professionals or rely on their work; and (3) serving as a common reference for improved interdisciplinary communication. The Guidelines can help psychologists anticipate and manage risks, serve clients better and manage situations in which legal professionals do not understand psychologists' obligations. While therapists may have different levels of experience and expertise, the Guidelines are designed to be applicable whenever therapists work with a court-involved family or can reasonably anticipate that court involvement may occur.

Involvement in a parenting dispute may impact a parent's perception of events, as well as the information provided to the therapist. If a three-year-old has a tantrum following a transition between his parents, this may be a normal child behavior or a response to the presenting parent's stress, rather than suggesting something nefarious about the other parent. The therapist who explores these issues may help the parent avoid over-interpreting the child's behavior. The therapist who fails to consider alternative possibilities or assist the parent with critical thinking may both support dysfunctional behavior and leave the client unprepared for interactions with more neutral professionals. Parents who fuel conflict, or cannot separate their own needs from those of the children, can cause serious emotional harm to children. They also tend to make a poor impression on custody evaluators and the Court.

Psychologists have a particular responsibility to implement careful procedures when a child of separated parents is to be involved in treatment. For example, it is generally unwise to accept a child into treatment at the behest of only one parent, particularly if the therapist is asked not to inform or consult the other parent. A parent who claims sole decision-making authority should be asked to provide a court order documenting this; otherwise, the excluded parent may be able to stop treatment that has been provided without his/her consent. If there is a court order requiring both parents' involvement in such decisions, the therapist may be unwittingly colluding in a violation of that order.

Moreover, the psychologist who engages with only one parent risks biasing or compromising treatment to the extent that it fails to help or even harms the child. The therapist may unwittingly convey the message that s/he has sided with the involved parent, or fail to consider important information that the other parent

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Arizona Supreme Court:  
<http://www.azcourts.gov/portals/31/parentingTime/PPWguidelines.pdf>

## COAFCC Committee Activity

**Membership Committee** is discussing ways to promote the steady growth of COAFCC and how to enhance benefits for members. Some ideas are being implemented now and more will be implemented throughout the year. Members will be hearing more about the benefits of belonging to COAFCC and will be urged to let other others know about the value of belong to COAFCC. The Committee is considering incentives to promote potential members to join and is specifically considering ways to include more judicial officers in COAFCC as well as increasing the diversity of our membership in terms of professional disciplines and geography. We will be actively reaching out to those who don't belong and inviting them to join and asking current members to assist with this effort.

**Program Committee** is busy planning the 2014 winter conference, featuring Pam Ludolph on February 28<sup>th</sup>. The Committee will soon be planning the annual half-day spring meeting in May. Additionally, the planning process for the first annual, statewide, multi-day conference, tentatively planned for October 8-10, 2015, will begin soon.

**Outreach Committee** is planning a day conference in Colorado Springs, expected to take place in June 2014, with a date to be determined. Theme will be *Intimate Partner Violence and Substance Use and Abuse in Parenting Disputes*. The Outreach Committee is considering ways to assess and respond to the educational needs of members and potential members in the non-Metro Denver/Boulder area. A liaison program is being devised whereby individuals throughout the state will be designated as contact persons to communicate and coordinate with the COAFCC Outreach committee. This is expected to enhance COAFCC service to members throughout the state.

**Communication and Public Relations Committee** has been busy preparing the winter newsletter that you are reading! The Committee is working together to come up with ideas for how to make the newsletter, as well as other ways of communicating with members, fresh, timely, and relevant. Watch for continued improvements in what and how you hear from COAFCC!

**Bylaws Committee** is working on updating our current Bylaws and preparing them for review and a vote for approval by the membership this spring.

**Nominating Committee** is considering who to nominate for officers next year and upcoming open seats on the board. The Committee's goal is to nominate individuals who will bring appropriate diversity to the Board in terms of statewide representation, professional discipline, dedication to COAFCC, and ability to be a working board member. The Nominating Committee consists of the immediate past president, president and vice-president.

**Strategic Planning Committee** is excited to inform you that we had an extremely productive meeting and will be refining and approving a written draft of the strategic plan which will be presented to the membership later next year.

If you are interested in committee work please contact Kathleen McNamara at [kathleenmcnamara@gmail.com](mailto:kathleenmcnamara@gmail.com)

### MEMBERSHIP COMMITTEE:

#### Charlene Slover

Mary Wollard  
Barb Pevny  
Robert Russell  
Kim Wood  
Adoree Blair  
Craig Eades  
Joyce Randall  
Phil Hendrix

### PROGRAM COMMITTEE:

#### Sarah Quinlan

Jennifer Moné  
Daryl James  
Shelley Bresnick  
Jen Feingold  
Armand Lebovits  
Glenn Crow

### OUTREACH COMMITTEE:

#### Beth Leiberman

Kate McNamara  
Jack Gardner  
Bob Lang  
Barbara Pevny  
Sunni Ball  
Lynda Kemp

### COMMUNICATION AND PUBLIC RELATIONS COMMITTEE:

#### Lenny Tanis

Armand Lebovits  
Cori Erickson  
Lorna Horton  
Marlene Bizub  
Cindie Farmer

### NOMINATION COMMITTEE:

#### Armand Lebovits

Kate McNamara  
Sarah Quinlan

### BYLAWS COMMITTEE:

#### Sarah Quinlan

Kimberly Wood

## Review: OCTOBER 4, 2013, CONFERENCE

### On Being a Young Child in a 50/50 Era: Research and Developmental Perspectives on Shared Parenting after Separation

Review by: Shelley Bresnick, Psy.D.



Jennifer McIntosh, Ph.D.

Jennifer (better known as Jenn) is a clinical child psychologist, family therapist and research consultant. She is the director of Family Transitions.

Jenn is adjunct Professor at La Trobe University. She is on the Editorial Boards of the Family Court Review and the Journal of Family Studies. Jenn has a high profile in national training and conference forums, in the mental health, welfare and legal sectors. She is highly regarded for her ability to articulate and advocate for the psychological wellbeing of children.

Jenn has directed several research studies for the Australian Government Attorney General's Department and Family and Community Services, including a current longitudinal study of child consultation in family law mediation. Jenn has conducted three studies into the Family Court of Australia's reforms.

The October 4, 2013, annual interdisciplinary conference sponsored by COAFCC, BIDC (Boulder Interdisciplinary Committee), MDIC (Metro-Denver Interdisciplinary Committee), and joined this year by BIPR (Boulder Institute for Psychotherapy and Research), featured a presentation by Jennifer McIntosh, Ph.D. Dr. McIntosh is a clinical psychologist in Melbourne, Australia, is the clinical director of Family Transitions and serves as an adjunct professor at La Trobe University. Dr. McIntosh's presentation was entitled: *On Being a Young Child in a 50/50 Era: Research and Developmental Perspectives on Shared Parenting after Separation*. She began the day by presenting current knowledge on neuroscience: how the brains of infants and young children develop and the rate at which that happens. For example, the first 3-4 years of life are a critical period in which rapid and enormous brain growth occur, and this growth is dependent on the experiences the infant has; therefore, "good enough" parenting is essential. Dr. McIntosh went on to discuss attachment figures and their tasks (e.g., to rescue the baby from stress, since infants cannot manage stress on their own). She stressed that special considerations for the first 3-4 years of a child's life are important in family law matters, so that the child can have a solid first attachment, in which soothing, comforting, and regulating can be counted on by the child.

Next, Dr. McIntosh presented the very sparse empirical research that exists regarding overnight care arrangements. She discussed the five studies, conducted between 1999 and 2013, that focused on overnights with infants and pre-school age children. While each of the studies had its own limitations, they all suggested that frequent overnights with the non-resident parent are more likely to be associated with increased insecurity and stressed regulatory processes for children at the ages of three or under. Children at four years and above seemed more able to adjust to more frequent overnights with the non-resident parent. Dr. McIntosh cautioned against assuming that any blanket rules regarding overnights could be appropriate for young children. She emphasized that the goal should be to understand what the individual baby needs in order to be physically and emotionally safe, to have manageable daily stress, to exhibit organized ways of seeking comfort from the parents, to be reasonably settled across caregiving environments, and to experience delight with each parent. Finally, Dr. McIntosh discussed a study that she is currently conducting that looks promising in regard to an intervention that may be implemented in the Australian Family Court.

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*Dr. McIntosh cautioned against assuming that any blanket rules regarding overnights could be appropriate for young children.*

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This presentation and the speaker received extremely positive reviews from attendees. Dr. McIntosh was able to explain attachment issues and address shared parenting arrangements in a way that was insightful, thought-provoking, and respectful to the various opinions and concerns of parents and family law professionals. While she has expert knowledge about the needs and functioning of infants and young children, she also demonstrated a great depth of understanding of the issues that separated parents face. She indicated that there are options for parents and that understanding their child's individual experience is a key element in helping them create the most beneficial parenting arrangement for their child.

## ETHICAL USE OF RESEARCH IN CUSTODY MATTERS Workshop Review

Marlene Bizub, Psy.D., With input from Ann Gusthurst, JD

COAFCC members--we want to know when you publish either a peer-reviewed paper or a book of relevance to family law practitioners so we can highlight your work in our newsletter! Send an email to April Frier, our administrative assistant: [aprilfreier@hotmail.com](mailto:aprilfreier@hotmail.com) and let us know!

Anyone who has a new copy of a recently published book that they would like to donate for the give away in the Member Appreciation Drawing at the annual meeting in May, please email me and I will make arrangements to receive the book. [kathleenmcmamaraphd@gmail.com](mailto:kathleenmcmamaraphd@gmail.com)

On May 8, 2013, Ann Gusthurst presented "Ethical Use of Research in Custody Matters" on the interplay between ethics and research in parenting time evaluations. As an evaluator for the court, I found this presentation to be particularly useful, relevant, and compelling. The "takeaway" message was that equal parenting time plans can be difficult for very young children and the research does not support equal parenting plans for children under the age of 4. She stated that children can have a great relationship with a parent without having 50/50 parenting time or without having overnight parenting time with one parent. She also stated that overnight parenting time is different from daytime parenting time for young children because nighttime is the scariest time for children, as dark produces a sense of fear or vulnerability and is an "indicia" of danger for most mammals. Children need to feel the most safe and the most stable during their early years and overnight parenting time presents challenges for that reason. Repeated overnights away from the parent who is considered to be the primary caregiver may disrupt the attachment to both parents, resulting in the child failing to establish a healthy attachment to either parent.

Ms. Gusthurst identified that we are a rights-based system focusing on parents' rights, but that may not be in the best interests of the children involved. One aspect of the parenting time situation that often affects how well a child adjusts to post-decree life regardless of the parenting time

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## COAFCC 7TH ANNUAL MEETING AND ELECTIONS

The 7th Annual Meeting of the Colorado Chapter of COAFCC was held on May 10, 2013, at the Holiday Inn in Cherry Creek area of Denver. The meeting included talks by several distinguished speakers. Bill Fyfe, Ed.D., of the Columbine Counseling Center, gave an insightful presentation on Bias, Research and Intractable Conflict. Ann Gusthurst, Esq., of Gutterman Griffiths, P.C., spoke on the Effective and Ethical Use of Research in Family Law Practice (see the review of this presentation in this Newsletter). The first part of the meeting concluded with a view from the bench talk by the Honorable Anne M. Mansfield who discussed When Research is Presented as Evidence in Family Law.

After a short break while the participants indulged in the Southwestern Fiesta buffet lunch, the formal part of the meeting was called to order by COAFCC's President, Armand Lebovits. The first order of business was the election for the Board of Directors. Daryl James, Esq., Mary Wollard, Esq., and Beth Lieberman, BA, MSS, were newly elected and Jack Gardner, Psy.D., was reelected for another term. This was followed by recognition of Armand, the outgoing President and his tireless work over the past year. Then the new President, Kathleen McNamara, was introduced and made a brief comment.

The 8th Annual Meeting will be held again in May 2014. Look for an announcement about the date and place in the spring and make plans to attend this very important event. The lifeblood of any organization is the membership and its participation in key events. The Board of Directors urges everyone to be present at this important event.



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schedule, is the level of conflict between the parents. Conflict, especially high conflict, is considered to be the greatest threat or risk to the well-being of the child involved. Children are resilient, yet they are also vulnerable. Not all children will respond in the same manner to the same exposure to the same situation, such as nighttime parenting. But regardless of those factors, the issue related to the level of conflict between the parents is the single most identified problem that negatively impacts children of divorce.

She also acknowledged that children may intuitively know that their parents are at odds with each other and that can affect how they feel about being at each parent's house and their level of feeling safe. If we are really going to base our work on research and what we know to be true, we must make plans that take what we KNOW about parenting and conflict into consideration. For example, knowing that conflict is the greatest risk for children, we should concentrate on what is causing the conflict, yet evaluators rarely look at how parents destabilize each other. If one parent is using money or fear to destabilize the other parent, the parenting plan should recognize that factor and compensate for it if possible. Parents should not be rewarded for behavior which, going forward, only damages children more.

Research can also instruct us as to what is good and what is damaging to a child. However, there are vague concepts of things such as emotional abuse and what that really means and professionals often disagree on what constitutes emotional abuse. But it is known that negative information about parents that is conveyed to the children ad-

versely affects their self-esteem and sense of well-being.

It is important for experts to look at and analyze research that does not just favor their position, but that they look at research across the board. For example, many professionals inherently feel that parents should be treated equally, and opt for plans that share parenting time even when they know that isn't necessarily best for younger children. Professionals should also understand the nature of the research and possess knowledge of research outside of custody research. For example, how does domestic violence affect a parent's ability to interact with the other parent? How does it affect their demeanor? When interpreting information, it is important to interpret the information in a manner that is consistent with the facts presented and to account for one's biases when interpreting the information. This means considering all the evidence, and even evidence that doesn't support the conclusions. Perhaps most importantly, experts should be aware of and understand their own biases and how they impact the way they view the custody situation in each case.

Lastly, experts do have their own biases, and that can form the basis for a good cross examination when they have failed to investigate certain parts of the case or didn't report facts that disagreed with their recommendations. It is also helpful to look at the billing reports. Did an expert spend virtually no time with one party's witnesses as opposed to hours with the other's? Testimony should be based on reliable scientific information. The expert should, first and foremost, be qualified in the area in which they are testifying. Testimony is necessary, as it assists the judge in making the decision that is right to make.

COAFCC is a statewide interdisciplinary association of professionals dedicated to improving the lives of children and families through the resolution of family conflict. COAFCC promotes a collaborative approach to serving the needs of children among those who work in and with family law systems, encouraging education, research and innovation and identifying best practices.



Natalie C. Simpson, Esq. & Steven B. Epstein, Esq.  
Litvak, Litvak, Mehrrens, Epstein and Carlton, P.C.

In *In re the Support of E.K., J.K., and P.K.*, 2013 COA 99 (Colo. App. June 20, 2013), the Court of Appeals held that a district court lacks subject matter jurisdiction to resolve matters in a paternity action unless each man presumed/alleged to be the child's natural father are made parties to or given notice of the action.

In *In the Interest of O.C.*, 2012 COA 161 (Colo. App., Sept. 27, 2012), the Court found that C.R.S. § 19-3-507(5)(a) requires foster parents but not parents, grandparents, or other relatives to have had the child in their care for at least three months before being permitted to intervene.

Pursuant to *In re the Parental Responsibilities of M.W.*, 292 P.3d 1158 (Colo. App. 2012), when a nonparent is involved in a child's life to the degree that he or she becomes a psychological parent and meets the strict standing requirements under C.R.S. § 14-10-123(1), without violating *Troxel* a court may intervene and determine whether it is in the child's best interests to allocate parenting responsibilities to the nonparent.

*L.A.N. v. L.M.B.*, 292 P.3d 942 (Colo. 2013). Because the GAL's "client" is the best interests of the child, the GAL should hold the child's privilege in a D&N action when neither the child nor the child's parent(s) have authority to do so.

In *M.S. v. People in Interest of A.C.*, 2013 CO 35 (Colo. June 10, 2013), the Court affirmed that foster parents do not have a constitutionally protected liberty interest in their relationship with their foster child. Thus, the removal of a child from his preadoptive foster parents' home without prior notice to the foster parents does not violate the foster parents' due process rights.

*Madrone v. Madrone*, 290 P.3d 478 (Colo. 2012). The first step in determining whether the trial court has jurisdiction under the UCCJEA is to determine whether Colorado is the child's home state. In the event that no state qualifies as the child's home state, the court must look to the other jurisdictional factors enumerated in C.R.S. § 14-13-201 including "significant connection" jurisdiction, "more appropriate forum" jurisdiction or "last resort" jurisdiction.

In *re the Interest of A.M. v. N.M.*, 296 P.3d 1026 (Colo. 2013). Foster parent intervenors are afforded the same degree of participation as all other parties who meet the required statutory criteria to intervene in termination hearings; participation is not limited to dispositional hearings.

*Chafin v. Chafin*, 133 S.Ct. 1017 (U.S. 2013). The Hague Convention mandates the prompt return of children to their countries of habitual residence. Cases do not become moot upon the return of the child to his or her country of habitual residence.

*Adoptive Couple v. Baby Girl*, 133 S. Ct. 2552 (U.S. 2013). 25 U.S.C. § 1912(f), which bars involuntary termination of a parent's rights in the absence of a heightened showing that serious harm to the Indian child is likely to result from the parent's "continued custody" of the child, does not apply when a father never had custody of the child. Further, § 1912(d), which conditions involuntary termination of parental rights with respect to an Indian child on a showing that remedial efforts have been made to prevent the "breakup of the Indian family", is inapplicable when a father never had custody of the Indian child and § 1915(a), which provides placement preferences for the adoption of Indian children, does not bar a non-Indian family from adopting an Indian child when no family or other eligible candidates have sought to adopt the child.

# New COAFCC Members

## 160 Members as of 12-1-2013

Resa Hayes  
William DeLisio  
Natalie Knowlton  
Jan Loesch

Dianne Peterson  
Catherine Benjamin  
Margaret Farrell  
Kathleen Gillis  
Lindsey Parlin

Deidre Amon-Meitus  
Kendra Dunn  
Brenda Storey  
Mark Kilmer  
Shawntel Tucker

*“We have the good fortune to do work that is endlessly challenging and fascinating and which benefits families and children.”*

## Why Belong to COAFCC

Kate McNamara

For nearly 30 years I have worked as a psychologist with court-involved families. Like most of you, I have encountered the numerous and complex problems that divorcing, separating, and post-decree families present. Also like you, I work alongside myriad other professionals. Attorneys, judicial officers, therapists, coaches, mediators, parent educators, evaluators, investigators, parent coordinators, decision-makers, and researchers are all striving, in their respective roles, to meet the needs of the same population. What is striking to me, is that despite our disparate roles, expertise, and backgrounds, we share a fundamental goal. This goal is to improve the lives of children and families through the resolution of family conflict. Collectively and individually, at our core, this is what we do; this is who we are. This is also the mission of AFCC and COAFCC, and why the parent association and state chapter are vital to the work we do.

We have the good fortune to do work that is endlessly challenging and fascinating and which benefits families and children. What we do matters, not only to the adults who seek our services, but to the next generation that will be affected by decisions that are made today. While the importance and value of what we do brings purpose and meaning to our lives, our jobs are nonetheless difficult and stressful. There is a tremendous amount to know about numerous issues, and there is an ever-expanding knowledge base that we must continue to learn to maintain our competence. Laws continually change, professional roles evolve, economies shift and we must keep pace. Due to gaps in knowledge or discrepant research, we often witness intense debate and discord about critical issues that matter deeply to us as professionals, to the clients we serve, to vulnerable children, and to society at large. We must strive to be as well informed as possi-

ble about these controversial issues in order to thoughtfully articulate our professional positions on these issues when they arise in our work. Clearly, the responsibility of our work is weighty.

Belonging to AFCC and COAFCC provides us with the educational opportunities and resources we need to stay abreast of the knowledge, developments, and innovations that are critically necessary to effectively do our work. Through AFCC, experts are available from around the state, country, and world on almost any family law related issue. The Family Court Review, an AFCC quarterly journal, contains articles and research authored by national and international legal and mental health experts. Additionally, AFCC is widely known to be inclusive and supportive to family court professionals, and attendance at conferences provides more than education. There is much rejuvenation from the stressful nature of our work when time is spent discussing important issues with professionals who understand the complexities of what we do. If you have never attended an international, national, or regional conference, you don't know what you're missing. All I can say is, try it, you'll like it!

As fellow members, I hope you are finding that AFCC/COAFCC is meeting your needs for continuing education, access to resources, awareness of innovations, and collegial support and mentorship. To access all of the resources available to you, be sure to regularly visit the AFCC web site at [www.afccnet.org](http://www.afccnet.org), as well as the COAFCC web site, [www.coafcc.org](http://www.coafcc.org). You will find an abundance of information available to members and registration information for programs and trainings.

Please pass the web sites on to your colleagues and encourage them to become AFCC/COAFCC members!



## SAVE THE DATE

### ACR Spirituality Section 2014 Retreat

Now is the time to begin planning for the 8th Spirituality Section Retreat to be held July 18-20, 2014 with a pre-retreat day on July 17th.

This Retreat will be held at the Shambala Mountain Center in Red Feather, Colorado.

This exciting event is one you will not want to miss.

Nestled high in the Colorado Rockies in a serene 600-acre valley surrounded by rocky peaks and aspen forests, Shambala Mountain Center provides a safe and supportive environment for the teaching of personal health, deepened awareness and transformation.

Shambala Mountain Center combines the natural beauty, unspoiled wilderness, blue skies and crisp mountain air with the comforts of a modern retreat campus.

We are fortunate to have internationally acclaimed author and speaker Joan Borysenko, Ph.D. as our featured speaker.

For the first time ACR will be joined by the Association of Family Conciliation Courts (AFCC) for our retreat.



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could provide. Therapists must actively consider multiple hypotheses about children's statements and behavior, understanding that the child may behave very differently depending on the circumstances. Psychologists should know the factors that may lead to distorted and incomplete information from children, including developmental issues and the dynamics of abuse and parental conflict. Knowledge of factors leading to bias, the impact of leading questions or selective attention, and general developmental issues is essential. Some therapists support regressive, avoidant and acting-out behavior by children toward parents that they would not justify toward any other adult, rather than encouraging age-appropriate problem solving. Overly-aligned therapists may draw unwarranted conclusions about the parent who is not involved in treatment, failing to recognize the limits of their information or the potential impact of conveying such opinions to the therapy-involved parent or other professionals.

Parents in Colorado do not automatically waive privilege by being involved in a custody dispute. Treatment information may be requested by an evaluator or parenting coordinator, or the parent may wish to waive privilege because he/she believes it will help in the legal conflict. Careful, detailed informed consent is essential and should occur both at the beginning of treatment and at any subsequent point when such issues become relevant. Privacy of children's information may be a particularly complicated issue, but can often be handled clinically by the therapist without ever requiring a legal decision. Therapists can reduce the risk of legal conflict by using careful and balanced methods, assisting children and parents with healthy communication and, whenever possible, therapeutically managing the sharing of necessary information to support the child. Clinically, this can often be done without disclosing the child's specific statements.

Judges often respect therapeutic privacy and providing a child with a "safe place" to express his/her feelings, but must weigh this against other factors to protect the best interest of the child. Many judges have also seen therapists assert privilege to protect themselves rather than their clients or conflate issues of general philosophy with the needs and rights of the individual child or parent. Children's therapists should not assume that all information can be

kept from parents, nor should such a blanket promise be offered to children. As in the example above, if a parent has been excluded from the child's treatment and feels that the child is being harmed, he/she may challenge the therapist's procedures in an effort to protect the child.

If there is a dispute about releasing treatment information and the issue reaches the court, a judge will determine who holds privilege and whether that person has waived privilege, intentionally or otherwise. It is never beneficial to the family for this decision to be made after the fact and against someone's wishes, when the issue could have been managed therapeutically from the outset of treatment.

The AFCC Guidelines are not intended as a standard of practice, nor to advance any particular treatment model. They do address ethical and clinical issues that frequently arise in these cases, along with detailed suggestions for anticipating and managing them. The Guidelines and additional resources/references may be found at the AFCC web site ([http://www.afccnet.org/resources/standards\\_practice.asp](http://www.afccnet.org/resources/standards_practice.asp)). The Journal of Child Custody published a special issue on this topic in February 2012, edited by Matthew Sullivan, Ph.D. and Lyn R. Greenberg, Ph.D.

\*\*Absent adaptations to Colorado, this article was initially published in the March/April issue The California Psychologist, monthly magazine of the California Psychological Association.

Sources: (1) Association of Family and Conciliation Courts (AFCC), Task Force on Court-Involved Therapy (2011). Guidelines for court-involved therapy. *Family Court Review*, 49, 564-581; (2) Fidnick, L., Koch, K., Greenberg, L. R., & Sullivan, M. J. (2011). Guidelines for court-involved therapy: A best practice approach for mental health professionals. *Family Court Review*, 49, 564-581; (3) AFCC Task Force on Parenting Coordination. (2006). Guidelines for Parenting Coordination. *Family Court Review*, 44, 164-181; (4) Greenberg, L. R., Sullivan, M. J., Fidnick, L. (2011). Association of Family and Conciliation Courts approves guidelines for court-involved therapists. *The Family Psychologist*, 27(1), 20-22.

- ◇ Lyn R. Greenberg, Ph.D., ABPP, practices forensic and clinical psychology in Los Angeles, California.
- ◇ Honorable Dianna Gould-Saltman is a judge for the Superior Court of Los Angeles County in California.



**ASSOCIATION OF  
FAMILY AND  
CONCILIATION COURTS**

**TORONTO**

Westin Harbour Castle  
May 28-May 31, 2014

51st Annual Conference

## Navigating the Waters of Shared Parenting: Guidance from the Harbour



AFCC is an interdisciplinary and international association of professionals dedicated to improving the lives of children and families through the resolution of family conflict.

The full program brochure and registration will be available on the AFCC website in late December. Printed copies will be mailed to AFCC members and colleagues in January 2014.

<http://www.afccnet.org/ConferencesTraining/AFCCConferences/ctl/ViewConference/ConferenceID/6/mid/615>