

The Newsletter

Fall 2008



Wingspread in a Nutshell

Annette Burns, J.D.

If you haven't heard about Wingspread yet, you will. In a nutshell, Wingspread is a think-tank dealing with the court system's relation-

ship with domestic violence.

A major focus of the conference was an attempt to differentiate types of domestic violence. As many reading this article will recognize, one major difficulty our court systems encounter is that not all activities which have historically been labeled "domestic violence" are the same.

The conference recognized that if a differentiation of domestic violence activities could be formed, the court and community systems can better respond to the problem and develop more effective outcomes for different types of domestic violence.

Despite the variation in backgrounds of the 37 participants, some basic concepts were agreed upon at the conference. The conference resulted in The Wingspread Report, which discusses those concepts. Those basic agreements include recognition that:

1. Mediation does not work in all situations and certainly not in all cases involving domestic violence;
2. All domestic violence is not the same;
3. Shared parenting is not always the best solution;
4. Some female victims of domestic violence want their children to have a relationship with their fathers, even if he has been violent;
5. Some cases are better off going to court; and
6. Women are sometimes the perpetrators of domestic violence.

Currently, Arizona's statute (**ARS §13-3601**)¹ defines domestic violence.

"Domestic violence" means any act which is a dangerous crime against children as defined in section 13-604.01 or an offense defined in

section 13-1201 through 13-1204, 13-1302 through 13-1304, 13-1502 through 13-1504 or 13-1602, section 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2916 or section 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623 . . . if the perpetrator and the victim share a certain relationship.

The listed statutes include the standard criminal definitions (the definitions that apply even if the perpetrator and victim share no relationship at all) of assault, threatening, intimidating, kidnapping, criminal trespass, criminal damage, interference with judicial proceedings; as well as certain offenses against public order, such as disorderly conduct or the use of a telephone to intimidate, stalking, surreptitious photographing or recording, or the emotional abuse of a vulnerable adult.

The Wingspread conference began with some basic principles from which to make recommendation to help courts deal with domestic violence incidents more effectively in the future:

1. Judicial focus on a single violent incident, without consideration of the larger context of this family or relationship, is misleading and dangerously incomplete.
2. Each domestic violence situation must be examined to determine potential for lethality, risk of future violence, and presence of other forms of intimidation. Critical variables to be examined include the frequency, intensity and recency of the violence; the existence of sexual coercion or abuse; the existence of nonphysical coercive strategies which may include verbal abuse, threats, isolation and financial control; any established history of violence, criminal activity, substance abuse or mental health issues; a determination of actual fear; the needs and interests of the children; any history of child maltreatment; and the extent to which the violence is a recognized pattern with proven implications for ongoing risk.

¹ARS §13-3601A also includes a definition of the relationship which exists between the perpetrator and victim, which is not discussed in this article.

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of Family and
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Wingspread in a Nutshell

continued from Page 1

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Categories of domestic violence were discussed at the Conference, organized by the context in which the violence occurred. Those categories include:

1. Violence used by a perpetrator in the exercise of coercive control over the victim. This includes intimidation or controlling, and the use of force as one factor in a larger, escalating pattern of violence. In this category, physical violence is often accompanied by threats, psychological and/or emotional abuse; isolation of the victim; manipulation; and economic control.
2. Violent resistance or self-defense.
3. Violence driven by conflict.
4. Separation-instigated violence.
5. Violence related to severe mental illness.

The Court's priorities in dealing with DV situations should be, in this order:

1. Protection of children;
2. Safety of the victim-parent;
3. Respect for the adult victim to direct his/her own life;
4. Holding the perpetrator accountable; and
5. Allowing the child access to both parents.

If these goals cannot all be obtained, the goals should be dealt with in order of priority. The complete Wingspread Conference report can be accessed at http://www.afccnet.org/resources/resources_professionals.asp, halfway down the page, under "Additional Resources for Professionals".

Arizona AFCC is fortunate to welcome some of the Wingspread Conference participants as plenary presenters at the 2009 Sedona conference. Peter Salem, Executive Director of AFCC; Nancy ver Steegh, JD, MSW, and professor at William Mitchell College in St. Paul; Billie Lee Dunsford-Jackson, former Executive Director of the National Council of Juvenile and Family Court Judges; and Karen Adam, Pima County Court Commissioner, were all Wingspread participants. All will present the Saturday morning plenary session on Saturday, January 31, at the Hilton Sedona Resort and Spa. Their experiences at Wingspread and their presentation will add to every professional's understanding of how our court systems can best deal with domestic violence. This will truly be a "can't-miss" presentation. ■



Are You Listening?

No, that is not you yelling at your children. It is the theme of this year's AzAFCC Annual Conference to be held in Sedona, Arizona, January 30-February 1, 2009.

The 2009 conference will kick start Friday evening with a "Night at the Movies." Bruce Cohen and Helen Davis will take us through an entertaining look at Hollywood's rendition of "when listening goes wrong." This promises to be a laugh out loud evening as we contemplate the dizzying dynamics of communication skills. BYOP - Bring Your Own Popcorn!

Connie Beck will moderate the Saturday plenary session on the Wingspread Conference on Domestic Violence and Family Courts, an initiative to bring together domestic violence advocates and the legal system to solve the problem of violence plaguing families in conflict. This provocative session will explore the attempts to forge consensus between the differing approaches to traditionally defined domestic violence and the emerging research on "family conflict."

Saturday afternoon will be full of workshops tackling a number of variations on the "Listening" theme. A sample of the sessions are, "Listening to Yourself" - Vicarious Trauma; "Listen to the People" - Courts of Public Opinion, and "Listening to the Professionals" - Model Parenting Plans, plus many more.

Saturday evening will include the ever popular dine-around at some of Sedona's most scrumptious restaurants. This dutch-treat event provides the opportunity for attendees to network outside of their immediate professional circles, swap war stories, and enjoy an evening with good company.

Finally, you will come away feeling more ethical after attending Sunday's ethics breakout sessions specifically tailored to each professional group attending the conference.

Once again, this years' conference promises to be chock full of captivating speakers, fantastic information and great networking opportunities. Join us as we continue the tradition of professional cooperation and dedication to Arizona families. ■



Family Court Resource Flow Chart

David Weinstock, J.D., Ph.D.



Over the past number of years, the services available to the Family Court have increased and become more focused. No longer are attorneys and mental health providers limited to assist as Family Court Advisors (Parenting Coordinators) or Comprehensive Evaluators. However, as providers become more specialized, there is often increased confusion as to the appropriate appointment for this increasingly complex practice area. The flow chart below is intended to serve as a guide to assist in making appropriate appointments to serve the needs of the Family Court.

1. What is/are the problem(s) to be addressed?
 - a. Resolution of ongoing parental disputes
 - i. Referee
 - ii. Counselor
 - iii. Both
 - b. Evaluation and recommendation re: custody/parenting time plan
 - i. Omnibus Rule 403 analysis vs.
 - ii. Specific issues
 - c. Repair of dormant/damaged parent/child relationships
 - i. Therapist
 - d. Investigative needs
 - i. Allegations of abuse or molestation
 - ii. Safe living conditions
 - iii. General child welfare
 - e. Need to address an issue affecting one parent or child
 - i. Substance abuse
 - ii. Mental illness
 - iii. Anger management
 - iv. Domestic violence (perpetrator and/or victim)
2. Are there financial resources available to fund needed services?
 - a. If yes, what private sector choices are most appropriate?
 - i. Do you need an evaluation?
 1. Are there multiple issues that suggest concern about parental fitness?
 - a. If yes, and if you seek input about parenting responsibility (access time) and custody, a Comprehensive Custody evaluation would be appropriate.
 - b. If no:
 1. Are you focused on the fitness of one parent?
 1. If you're seeking input about specific psychological illness, an Independent Psychological Examination (IPE) is recommended.
 2. If you're seeking input about specific medication needs, an Independent Psychiatric Examination (IPE) is recommended.
 3. If you're seeking input about other medical needs, an Independent Medical Examination (IME) is recommended.
 2. Are you limited to concerns about one or two issues, seeking input about how those issues impact parenting fitness (not recommendations about access and custody) (e.g. domestic violence, parental availability, substance abuse, general mental health, child estrangement)
 1. If yes, a Limited Assessment may be warranted.
 2. If no:
 3. Are you focused on the child rather than the parent or parents (e.g. assessing a child about abuse or parental behaviors)?
 1. If yes, a Child Forensic Interview is recommended.
 2. If no:
 4. Are you seeking immediate input about what treatment needs exist for the family?
 1. If yes, an Emergency Case Stabilization is recommended.
 2. If no:
 5. Are you seeking quick input about general family needs (without any recommendations)?
 1. If yes, a Preliminary Screen is recommended.
 2. If no:
 - ii. Do you need a mental health professional or attorney to keep them out of court and resolve issues in the private sector?
 1. If yes, a Parenting Coordinator is recommended.
 2. If no:

continued on Page 4

Arizona Chapter

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Family Court Resource Flow Chart

continued from Page 3

Arizona Association of Family and Conciliation Courts

- iii. Do you need treatment (Therapeutic Intervention)?
 1. If yes:
 - a. Is this a situation in which a parent and child have an estranged relationship in need of repair?
 1. If yes, a Therapeutic Reunification Therapist is recommended.
 2. If no:
 - b. Is this a situation in which a parent needs individual work?
 1. If yes, a Forensically Informed Therapist is recommended.
 2. If no:
 - c. Is this a situation in which the entire family needs to participate in treatment?
 1. If yes, a Family Therapist is recommended.
 2. If no:
 - d. Is this a situation in which a parent and child need supervision because you fear the child will not be safe with the parent and you would like additional therapeutic intervention during the supervision?
 1. If yes, a Therapeutic Supervisor is recommended.
 2. If no:
 - e. Is this a situation in which parents need a therapist because they can't cooperate and communicate?
 1. If yes, a Co-parenting Therapist is recommended.
 2. If no:
 - iv. Do you need a mental health professional to ensure the relationship between a parent and child/children is safe (e.g. abuse or molest allegations)?
 1. If yes, Supervision is recommended.
 2. If no:
 - v. Do you need a mental health professional or attorney for alternative dispute resolution?
 1. Mediation
 2. Arbitration
- b. If no, is there funding available from third parties?
- c. If no, what court provided services should be ordered?
- d. If you need private sector assistance but the family is unable to afford one of the roster providers:
 - i. Parenting Skills (for supervision)
 - ii. Non-Profit organizations?
 1. Catholic Social Services
 2. Jewish Family
 3. EMPACT
 - iii. Conciliation Court
 - iv. Family Court Assistance Program (only for basic treatment when neither party is represented) - (FCE 480.840.0400)



Conference Price Freeze

AFCC members were recently notified that AFCC is freezing all prices for members until at least January 2010. Conference prices and membership dues will not increase from current levels, in a recognition of the current economic climate.

Arizona AFCC echoes this price freeze in the form of NO increase in the conference price for AFCC members for the 2009 Sedona conference. The conference price for AFCC members who register by 12/30/08 (earlybird price) remains at \$195.00.

The 2 ½ day conference provides excellent value for the money. It includes the Friday night plenary session, workshops all day on Saturday, and the Sunday morning ethics workshops. For Arizona attorneys, this can total at least 2.0 hours of ethics credit (required by the State Bar of Arizona) plus six HOURS of regular CLE credit just for attending the Saturday workshops. CE credit is available for all workshops for mental health professionals. Social events such as the Friday night hospitality hour, the hospitality suite, Saturday lunch, and continental breakfasts are also included at this very low price. Arizona AFCC is committed to giving the members great value and great programs at a very reasonable price.



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SILENT AUCTION

at the Sedona Conference

January 30 - February 1, 2009

SILENT AUCTION 2009

We have lots of exciting themed baskets -- most valued at \$200-\$500!! Themes include a spa package, Diamondbacks, Coyotes, photography, children's games, Grand Canyon trip, Mexican, oriental, wine, dolls, golf, pets, University of Arizona, shopping spree, coffee, home improvement, movies, arts and crafts, travel and more!!

We welcome contributions toward these baskets or the creation of new ones. Come ready to shop!

ORIGINAL MCPHEE'S

Last year noted Arizona photographer, David McPhee, donated to the silent auction two images created specially for AzAFCC. Brisk bidding in the 2008 silent auction resulted in impressive sale prices, though knowledgeable critics felt winners went home with remarkable bargains. This year McPhee plans to offer two new framed photos, plus a series of smaller original pictures for open bidding. These works, available for the first time at AzAFCC, are almost sure to increase dramatically in value and provide an important hedge against volatile equity markets, or so McPhee convincingly contends. (When not behind the lens, McPhee works as a psychologist.) ■

UPCOMING CONFERENCES

**Arizona AFCC Annual Conference
"Are You Listening?"
January 30-February 1, 2009
Hilton Sedona Resort and Spa
Sedona, Arizona**

**AFCC 46th Annual Conference
"Children, Courts and Custody:
Back to the Future or
Full Steam Ahead?"
May 27-30, 2009
Sheraton New Orleans
New Orleans, Louisiana**

SAVE THE DATE !!!

The Annual MENTAL HEALTH PROVIDERS' SEMINAR

**December 5, 2008
8:00 a.m. to 5:00 p.m.**

**Location: The Maricopa Downtown Justice Center
620 West Jackson Street
Phoenix, Arizona
Cost: TBD**

The Program will include:

**Recurring Issues: Open Discussion
What Do the Judges Want From Mental Health Professionals?
Settlement Based and Focused Custody Evaluations
Ethical Issues for Mental Health Professionals
Challenges in Effective Co-parenting**

**Registration forms will be forwarded at a later date.
Contact: Judy Lewis-Thome
Supervisor of Conciliation Services
602.506.3608**

**Co-Sponsored with the Arizona Association of
Family and Conciliation Courts**



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