



COLORADO CHAPTER ASSOCIATION OF FAMILY AND CONCILIATION COURTS

WINTER 2012 NEWSLETTER

Leonard D. Tanis, Esq., Armand D. Lebovits, L.C.S.W.

MESSAGE FROM THE PRESIDENT

Jennifer Feingold, Esq.

Welcome to our Winter 2012 Newsletter! I hope everyone enjoyed a happy and fulfilling holiday season!

I want to share with you COAFCC's exciting plans for the winter. Our Program Committee has worked tirelessly this year to bring you innovative and inspiring programs that help us think about the way in which we conduct our work with families. COAFCC is thrilled to be hosting our joint winter conference, along with MDIC, on February 24, 2012, featuring Bill Eddy, LCSW, CFLS presenting on "Understanding and Managing High Conflict Personalities." This is just another example of the benefits to COAFCC membership that we are able to host such renowned and revered national speakers on our own home stage! I hope that you will join me on February 24th for this sure-to-be fantastic program! Registration is open so please visit www.coafcc.org to register for this conference!

The Program Committee is also hard at work on plans for our spring annual membership meeting. Mark your calendars for May 4, 2012, 8:00-9:30 am! At the spring annual meeting we will elect new board members, as well as bring on new committee members. COAFCC thrives as a result of the hard work and dedication of its members and volunteers. Whether it is programming or communications; membership or outreach to professionals across our great state – please consider joining a COAFCC committee or running for the board. COAFCC is enhanced by new energy and diverse ideas from members like you!

Of course, I would be remiss if I did not take this opportunity to publicly thank the Committee Chairs, as well as the COAFCC board at large. Thank you to Barbara Pevny, MA, LPC, of Ignacio, chair of the Membership Committee, who keeps track of members from across Colorado and strives to improve COAFCC membership, Bob Backerman, LCSW, of Boulder for leading the Outreach Committee with such precision and success, Kathleen McNamara, PhD, of Fort Collins for bringing you cutting-edge programs on behalf of the Program Committee, and Armand Lebovits, LCSW, CAC III, of Denver, who leads our Communications/Public Relations Committee and ensures that our communications, such as this newsletter, reach all of you. Thank you to the chairs and their committees!

As a founding member of COAFCC, I have always taken great pride in the work that the Association does on both a state and national level. Not only does AFCC offer invaluable information on the latest trends and research as seen in the Family Court Review, but it also offers unmeasured leadership training and camaraderie for similarly situated professionals in both a local and global way. As society continues to change at light-speed and the children and families we work with are more and more 'connected' in both a real and virtual sense, I challenge each of you to connect with COAFCC and see what benefits membership can offer you.

I also invite you to please visit www.afccnet.org for more information about membership and AFCC's annual conference scheduled for June 6 – 9, 2012, in Chicago, IL, on "Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law." Early bird registration lasts until March 16, 2012. You can also visit www.coafcc.org for more information on our local chapter and upcoming programs. Please use these websites to help launch your own "AFCC experience."

Looking forward to seeing you soon!

MDIC & COAFCC

(In Cooperation with University of Denver Sturm College of Law)

**Invites You To Attend Our
2012 Annual Conference:**

**“Understanding and Managing
High Conflict Personalities”
with Bill Eddy, LCSW, CFLS**

Friday, February 24, 2012 - 8:30 am to 4:30 pm
University of Denver Sturm College of Law
2255 E. Evans Avenue, (Moot Court) Room 165
Denver, CO 80210



William A. (“Bill”) Eddy is an attorney, therapist and mediator. As an attorney, he is a Certified Family Law Specialist in California, where he has represented clients in family court and provided divorce mediation services for the past 19 years. Prior to that, he provided psychotherapy for 12 years to children, adults, couples and families in psychiatric hospitals and outpatient clinics as a Licensed Clinical Social Worker.

Mr. Eddy is also the President of the High Conflict Institute based in San Diego, California. He provides seminars and training in managing high-conflict people to attorneys, mediators, collaborative law professionals, judges, ombudspersons, mental health professionals, hospital administrators, college administrators, law enforcement, homeowner’s association managers and others. He has presented in over 25 states, six provinces in Canada, and in Australia, France and Sweden.

He is the author of several books, including *It’s All Your Fault!: 12 Tips for Managing People Who Blame Others for Everything*, *High Conflict People in Legal Disputes* and *Managing High Conflict People in Court*. He is the developer of the New Ways for Families Method for potentially high-conflict families in the three court systems in the United States and two court systems in Alberta, Canada.

He has served as a Special Master and as a Settlement Judge. He is currently the Senior Family Mediator at the National Conflict Resolution Center in San Diego, California. He is on the part-time faculty at the Pepperdine University School of Law and on the part-time faculty of the National Judicial College.

Understanding and Managing High Conflict Personalities

Kathleen McNamara, Ph.D.

Clients who are demanding and controlling, thrive on conflict and drama, and cling to unrealistic expectations are difficult for even the most seasoned family lawyers and mental health professionals. Considering the high frequency with which these personalities are seen in family law disputes, and the havoc these clients can wreak in the lives of the professionals who work with them, it pays to recognize them early and have strategies and procedures in place to manage their dysfunctional behavior.

Don't miss the annual MDIC-COAFCC joint conference to be held at the University of Denver Law School on February 24, 2012! The conference will feature Mr. Bill Eddy, LCSW, CFLS who will be presenting on "Understanding and Managing High Conflict Personalities." Mr. Eddy is an expert on personality disorders and has published several books on how to manage difficult clients in legal disputes. Come learn about the thoughts and emotions that drive these personalities, the "do's and don'ts" of working with them, as well as how to connect with them, effectively work with them, and set limits on their high conflict behavior. Additionally, Mr. Eddy will address how therapists can assist high conflict parents with acquiring the skills they need to meet their children's needs.

This program promises to be a highly informative program, and as always, a great way to connect with a diverse group of local and statewide professionals who work with high conflict families. Discounts are available to MIDC and COAFCC members, graduate and law students, CASA volunteers, SCAO employees, and legal and mental health professionals who have been in practice three years or less. Go to www.coafcc.org and register today!

UPCOMING NATIONAL EVENTS

AFCC 49th Annual Conference

Attachment, Brain Science and Children of Divorce: The ABCDs of Child Development for Family Law

June 6-9, 2012
Hyatt Regency
Chicago, Illinois

AFCC 10th Symposium on Child Custody Evaluations

November 1-3, 2012
Arizona Grand Resort
Phoenix, Arizona

IN THE FOREFRONT

Bob Smith, AFCC Immediate Past President

A woman on the staff of the Maine Supreme Court called last week, saying that their Legislature had just de-funded their long-standing GAL program. She had heard that AFCC was widely regarded to be in the forefront of family law issues, so she called our headquarters' office in Madison, Wisconsin. They directed her to me, since Colorado's CFI and CLR programs had long piqued the interest of those in other jurisdictions. We talked for a while about some possibilities for the existing Maine GALs and ways that their services might continue, either in their present or in a whole new form. We also had the opportunity to discuss other possibilities and roles beyond that of the GAL that might be able to fill the gap in services important to Maine families.

After that telephone call, I began to reflect on the ways in which AFCC, both internationally and in the efforts of many Chapters, has been the innovation leader in family law services. For instance, Colorado was the first jurisdiction I could find that, in 1997, split the traditional GAL role into two, so that attorneys representing children's best interests did not find themselves in the bind of having to testify as a representing attorney—a practice that is normally prohibited. While the CFI role is currently undergoing significant modification, and although many have chosen to leave the field, we need to remember that the two parts of the former domestic relations GAL role served this state well for fourteen years, particularly in providing critical investigative services to indigent families through long-standing funding by the State. The importance of that leadership was demonstrated by this: when it came time for the AFCC to publish its *Guidelines for Brief/Focused Evaluations* three years ago, it included modifications from Colorado that acknowledged and supported the fact that there is a role for a brief and focused investigation process, such as our Child and Family Investigator. Those standards can be found in the drop-down menu for "Resource Center/Practice Guidelines and Standards" at www.afccnet.org.

Another source of innovation—one that may soon impact our entire state—came out of a *Family Court Review* article six years ago by the staff of the Hennepin County (MN) Family Court Services, which introduced their highly successful Early Neutral Evaluation program to the AFCC. Shortly thereafter, two of the Hennepin County staff members were invited to present at the inaugural CO-AFCC conference in Denver. Adams District Court Judge Katherine Delgado and Adams District Administrator Melinda Taylor, both of whom were in the audience, decided that this process could save families needless rancor, while also reducing the number of Court hearings. The resulting Adams ENA Pilot Program has proven its viability over the past four years, and Chief Justice Bender has recently asked the Standing Committee on Family Issues to examine the ENA process at its May 2012 meeting for possible expansion throughout other state judicial districts.

AFCC has long been the leader in another valuable service to families: that of Parenting Coordination. A 2005 Task Force, co-chaired by Boulder's Christie Coates (a past AFCC President), established *Guidelines for Parenting Coordination*, found under "Resource Center at www.afccnet.org, which have been adopted in a number of U.S. states and Canadian provinces. Another vital resource is the AFCC Parenting Coordination listserv, an invaluable help to those who struggle to calm warring parents, particularly to those who need perspective and encouragement from their peers.

Additionally, some AFCC collaborations, while not immediately affecting Colorado, are nevertheless modifying family law across this country and internationally. Law school curricula across the U.S. are being modified as a result of the Family Law Education Reform (FLER) program that was outlined in the October 2006 issue of *Family Court Review*, which is currently available for review online on the AFCC website. AFCC has been an active supporter of past World Congresses on Family Law and Children's Rights, and is working once again with the World Congress for its Sixth presentation in Sydney, Australia, March 17-20, 2013. AFCC also joined with one of the premier U.S. family law attorney groups, AAML (American Academy of Matrimonial Lawyers), to present a joint conference last September in Philadelphia—a conference so enthusiastically received that plans are being formulated for a regular biannual joint conference.

AFCC has been around a very long time – we celebrate our 49th Annual Conference in Chicago this June 6-9, 2012, and the 50th Anniversary Conference will be held in late May 2013, in Los Angeles, where it all began. Each annual conference has a theme of great importance to the field: from alienation as the Denver conference theme two years ago to attachment and brain science as the theme in Chicago this year. I encourage all of you to set aside time to refresh and learn and make new friends there this June. Conference scholarships are still available, and the 80-plus workshops and plenaries are listed online at AFCC’s newly-updated website, www.afccnet.org. I look forward to seeing you in Chicago this year, and helping us celebrate fifty years in Los Angeles next year, as well.

GAL Client Confidentiality After *Gabriesheski*

David Littman, Esq.

The Colorado Supreme Court issued its decision in *People v. Gabriesheski*, 262 P.3d 653 (Colo. 2011), on October 24, 2011. This case originated when Mr. Gabriesheski was charged in criminal court with sexual assault on a child by a person in a position of trust. The charges involved his stepdaughter. A Dependency and Neglect proceeding was commenced. A Guardian ad Litem was appointed for the child as required by law. The child made certain statements to both the GAL and a social services caseworker which implicated her stepfather in the sexual assaults.

Shortly thereafter, the child, under pressure from her mother, recanted her statements implicating her stepfather. In the course of the criminal trial, the GAL was called as a witness. Before the GAL could testify, defense counsel moved to prohibit or exclude the GAL from testifying, based upon the assertion that either the child, or the child’s mother were asserting the attorney client privilege. The trial court prohibited the GAL’s testimony and charges against Mr. Gabriesheski were dismissed without prejudice. The District Attorney’s office appealed the trial court’s ruling to the Colorado Court of Appeals.

The Colorado Court of Appeals found that in fact, there was an attorney-client relationship between the child and the GAL and that the child, or the child’s mother could assert the privilege and prohibit the GAL from testifying. This is governed by Colorado Rules of Professional Conduct at 1.6. The Colorado Supreme Court granted certiorari on this issue.

Colorado statutes are silent as to the issue of whether an attorney-client relationship exists between a statutorily appointed GAL and the child “client.” The Colorado Supreme Court resolved the issue by holding that the client in a dependency and neglect case is “the child’s best interests” not the child. Thus, there is no attorney client privilege. A Guardian ad Litem may disclose information obtained from the child if such disclosure is in the child’s best interests. Neither the child nor the child’s parent can assert the attorney client privilege to keep the GAL from testifying.

COAFCC GOES WEST AGAIN!

Bob Backerman, LCSW

The second annual COAFCC Montrose conference was held on October 21, 2011, at the Holiday Inn Express in Montrose. The theme this year was "Applications of ADR in Family Cases" and included a full day of excellent and varied speakers. David Rolfe, an attorney from Parker, talked about choosing between Mediation/Arbitration and Parent Coordinating/Decision Making for clients. Marc Vick, a psychotherapist from Boulder, gave his unique and useful take on helping to effect change in clients in ongoing work with ADR. Chief Judge of the 7th Judicial District, the Honorable Steven Patrick, discussed the challenges and tensions between confidentiality and communication in domestic cases. The afternoon was devoted to the issue of mediation with domestic violence histories. There was an in depth look at preparing legal clients for the process, presented by David Rolfe, followed by a lengthy and very informative presentation by Jan Mickish, Ph.D., and Kathleen Schoen, Esq., about the intricacies of mediation with some history of domestic violence. The conference was extremely well received by participants and we look forward to moving ahead with the third annual Montrose conference in 2012.

THIRD MONTROSE CONFERENCE

Bob Backerman, LCSW

The third annual COAFCC West Slope Conference is now scheduled for Friday, October 5, 2012. The tentative site is the Human Services Building in Montrose, Colorado, the same location as the first Western Slope Conference. Please mark the date on your calendars now, as it is expected that this conference will be a sell out, so we are encouraging people to both reserve the date and sign up early when the registration comes out to avoid being left out. At press time the specific speakers and topics are still being considered, but we hope to have complete information out to our members this summer. Look for the "SAVE THE DATE" announcement.

COAFCC 2011 Fall Conference Summary: Therapy with Court-Involved Families: Issues, Problems and Remedies

Kathleen McNamara, Ph.D.

COAFCC held its fall conference at the University of Denver on November 11, 2011. Dr. Lyn Greenberg, of Los Angeles, California, was our keynote speaker. Judge Angela Arkin, Magistrate Kathleen Janski, Judge Elizabeth Stroble, and Magistrate Kimberly Wood provided "A View From The Bench" regarding therapists testifying in family law and juvenile cases.

Therapists who work with court-involved families need to be aware of the special clinical and ethical issues that arise when working with this population, which differ from the general population. Enhanced procedures in areas such as informed consent, maintaining professional objectivity and appropriate boundaries around offering clinical opinions are required. The *AFCC Guidelines for Court-Involved Therapists* were designed to assist therapists in recognizing these issues. The guidelines provide specific and comprehensive guidance for working effectively with court-involved cases. Dr. Greenberg, who served on the AFCC task force to develop the guidelines, described how problematic treatment can lead to serious problems in legal cases. She discussed how to adjust traditional therapy when the client is part of a court-involved family. She discussed ways to avoid potential

clinical, ethical and legal pitfalls. The judicial panel provided insight into the challenges that judges and magistrates face when hearing testimony from therapists, and offered suggestions for what is and is not helpful. They also discussed how community resources play a role in the availability of qualified therapists.

The program was lively and enlightening! To learn more, go to the AFCC website, www.afccnet.org and click on “Resources for Professional” under the Resource Center tab, and then click “Standards of Practice.” The *Guidelines for Court-Involved Therapists* are there along with a sample of a Client-Therapist Contract, Stipulation and Order for Counseling, Order for Counseling and suggested references.

MEET SOME OF COAFCC’S BOARD MEMBERS

[BARBARA PEVNY, MA, LPC](#), has over 33 years of field experience working with children and families in the areas of child protection, domestic violence, substance abuse, trauma and custodial dispute issues. She has lived in Durango, Colorado with her family for the past twenty years. Moving from Denver to Durango required retooling Barbara’s practice from child protection caseworker and Director of the Family Crisis Center to working at Southwest Colorado Mental Health Center, the La Plata County Family Centers Coalition and the Women’s Resource Center. At the Women’s Resource Center, Barbara discovered the area of family law and parent evaluation work. As one of four individuals with the types of skills for conducting parent evaluations in a five county area, Barbara developed a private practice becoming a parent evaluator, special advocate, and later, a child and family investigator. She has worked for 12 years as a consultant and later a full time employee for the Southern Ute Tribe as a court appointed mental health guardian ad litem, mediator, or special advocate (CFI) for the Southern Ute Tribal Court. She currently is Clinical Supervisor for 3 staff at the Family Court Support Office of the Southern Ute Tribal Court and brings wonderful energy and insight to the COAFCC board.

[HONORABLE KIMBERLY WOOD](#), has been a Magistrate for the 12th Judicial District since 2001 and was appointed to the Costilla County Court bench in 2003. As a Magistrate, Judge Wood has been assigned to the Juvenile docket for her first 2 years and the Domestic Relations docket for the past 9 years. She received her undergraduate degree from Baylor University in 1990 and her law degree from Washington and Lee School of Law in 1993. Judge Wood was commissioned as an officer in the United States Marine Corps in 1991. Prior to her appointment to the bench, she worked as a sole practitioner, focusing on family law, criminal law and dependency & neglect matters. Currently, Judge Wood is a volunteer firefighter for the Costilla County Fire Department and is a fly-fishing instructor for Casting for Recovery. Fly-fishing is her passion, and she enjoys taking long rides on her motorcycle. She believes in the mantra: “Work hard and play hard”. *Semper Fi.*

UPDATING OR MODIFYING YOUR PROFILE ON THE COAFCC WEBSITE- MEMBERSHIP DIRECTORY

Armand Lebovits, LCSW, CAC III

COAFCC has a searchable membership directory at our website: www.coafcc.org. This is a public directory that can be updated by individual members and is password protected. You can find the directory by clicking on the “Search for Members” button on the left side of the home page. The list of members can be searched by name (by selecting “ALL” at the bottom of the page), practice type or by city selections and then the submit button.

Each member should update their membership profile listing by including information about their own practice types, services, professional memberships, fees and other descriptive data. You can access your profile by clicking on the "Membership Directory" button on the Home Page. Once you find your own listing, more information can be displayed by clicking on the "More Information" link on the top right side of the listing, which brings up a more detailed listing site. To modify this listing, click on the "modify" link located on the bottom right corner of the page; the link will appear somewhat washed-out. Clicking on "modify" takes you to a page that requests a password. New members are given an initial access password and then create their own password. If you forget your password, you can always click on the "Password Help" button and your password will be sent to the e-mail address listed in the database. Once you have modified your profile, click on "submit" to save the changes.

2011 - 2012 COAFCC Board of Directors

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Michelle Tipple
Erin Brumleve
Lynda Kemp

We offer a fond farewell to [Betsy Barbour-Duvall, LCSW, BCD](#) who, as a founding board member of COAFCC and a long-standing member of the Membership Committee, has stepped down from the committee for 2012 to focus on other efforts. Thank you from all of us on the committee and COAFCC for your tireless work for children and families.

New COAFCC Members

We warmly welcome the following into the AFCC & COAFCC family:

Mary Baker-Castle Rock	Emmet Bellville III-Pueblo	Rebekah Brown-Lakewood
Glen Crow-Westminster	Mechelle Faulk-Denver	Susan Fuller-Parker
Chris Hahn-Bozeman, MT	Bryan Henry-Dillon	Jill Lee-Fort Collins
Bonnie Martindale-Colorado Springs	Drew Richman-Boulder	
Gabriela Sandoval-Denver		Elizabeth Seaboch-Loveland

New AFCC Members

Hon. Ted Tow-17th Judicial District, Brighton Hon. Craig Welling-17th Judicial District, Brighton
Kathy Coleman-Colorado Spings

What is the Colorado AFCC Chapter?

An interdisciplinary group 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, innovation, and identifying best practices. For more information or to join the AFCC or COAFCC please visit www.afccnet.org and www.coafcc.org

SAVE THE DATE

Nominations and Elections of COAFCC Board of Directors

The Board of Directors for the **Colorado Chapter of the Association of Family and Conciliation Courts** will hold its 6th annual election for positions on the board of directors on **Friday, May 4th, 2012** at the Annual Membership meeting of the COAFCC:

- 7:45 a.m. Registration and Breakfast
- 8:00 a.m. Presentation and Dialogue with **Bonnie Saltzman, J.D.**, on **“Legislative and Case Law Update: Issues and Challenges for Family Law Professionals”**
- 9:00 a.m. **Annual Meeting & Election of Board Members (from 9:00 a.m. to 9:30 a.m.)**

There are four vacancies, two attorney and two mental health seats on the COAFCC board of directors, all of which have a three-year term. The new term begins on July 1, 2012.

If you are interested in serving as a member of the COAFCC board of directors, or want to recommend someone else, you may submit your nomination as follows:

- 1) Provide information requested below.**
- 2) Provide a short biography of no more than seven lines.**

All nominations must be received by April 20, 2012 and sent to Michele Tipple, LCSW by fax (303-544-5989), email (micheletipple@msn.com), or U.S. Mail (954 North St., Suite 206, Boulder, CO 80304).

COAFCC Board of Directors Nomination Form

Name _____ Degree _____

Profession _____ (Attorney, Mental Health, Judicial, etc.)

Address _____

Phone _____ email _____

Prior Board Experience _____
