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PRESIDENT'S MESSAGE:

Dear AFCC Ontario Members:

I want to thank our hundreds of members and the Board for their continued support of our initiatives and their great ideas for further events and projects.

We had a record number of participants attend our reception and annual general meeting/ conference in October, 2013. The work of two recent research projects sponsored by our Chapter was on display and addressed some pressing issues for family courts in our province: What is the best resource model for family courts and "Crossover-kids"(youth being parented by CAS who incur youth court charges). The first has fed directly into recent discussions amongst all family and government professionals. Our goal: How can we improve the system? The second has been helpful for the work of a Committee being co-chaired by Justice Brian Scully and Professor Judy Findlay from Ryerson University and the upcoming pilot launch of a court for young people with cases under both statutes at 311 Jarvis in Toronto.

In November 2013, a program with First Nations was so successful that a second one is being planned for Thunder Bay in the fall of 2014.

The Kingston members are meeting on February 27, 2014 with the topic: "High Conflict Separation and Risk of Emotional Harm to Children: CFSA and Family Proceedings".

The Walsh Family Law moot will be held again this year on March 15, 2014 at Osgoode Hall. All 6 law schools will be participating along with many multi-disciplinary professionals to assist the students.

The AFCC 51st International Conference comes to Toronto May 28-31, 2014 at the Westin Harbour Castle. Register now! The theme is "Navigating the

Waters of Shared Parenting: Guidance from the Harbour". The Ontario Chapter is hosting an Institute on Wednesday May 28th on Relocation and Best Practices with our own Professor Nick Bala and Phil Epstein along with guests, The Honourable (retired) James Garbolino from California and Dr. Phil Stahl from Arizona. Register now! We will be hosting a special reception on Thursday May 29th- details to follow.

We are recruiting for "dine around town hosts" for Thursday May 29th. You would choose a restaurant that you think attendees would enjoy and reserve a table for the Thursday evening. A sign-up table will be arranged at the Conference and each guest would be responsible for his/her own dinner, drinks, and transportation. It's a great opportunity to meet other members from afar! Please contact patti cross through our afcc-o gmail.

Our Chapter annual meeting and conference will take place in London, ON on October 17, 2014 with a reception the evening before. Further details on speakers and accommodation will be coming soon.

Our Newsletter and Communications Committee has been taking steps to improve our website with additional information we hope you will find helpful.

Finally, we are attempting to update our Committees and would welcome more participation. Let the Chairs know if you are interested in joining. All comments and suggestions welcome through our email too at:

afccontario@gmail.com

Special thanks for our AFCC-O Board and Members!

Justice Debra Paulseth
Chapter President

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The 51st AFCC Conference



There are over 90 seminars to choose to attend with presenters from:
Australia
Canada
England
Israel
Italy
New Zealand
USA



Navigating the Waters of Shared Parenting: Guidance from the Harbour



May 28-31, 2014

The Westin Harbour Castle

1 Harbour Square, Toronto, ON M5J 1A6

Hotel Telephone: (416)869-1600 or 1(800)937-8461*

**AFCC has arranged discounts for conference attendee*

The Association of Family and Conciliation Courts - Ontario Chapter members proudly participate as presenters on

Wed., May 28, 2014 at 9 am -4:30 pm

Pre-Conference Institutes on the following topics:

Relocation & Best Practices: Nicholas Bala, Philip Epstein, Hon. James Garbolino & Philip Stahl

Family Interventions When Children Resist Contact with a Parent: Barbara Fidler, Robin M. Deutsch & Tyler Sullivan

Uncorroborated Allegations of Child Sexual Abuse: Science & Practice: Lucy McSweeney, & Steve Herman

Judicial Officers Institute: Cross-Border Child Custody & Parental Child Abduction Disputes: Hon. R. John Harper, Hon. Roselyn Zisman, Hon. Robyn Diamond, Hon. Donna Martinson & Hon. Andrea Moen

Triangulating the Child: Children in the Parenting Coordination Process: Lourdes Geraldo, Jacqueline Vanbetlehem, & Christine A. Coates

Difficult Conversations at the Intersection of Domestic Violence and Mediation: Zena Zumeta, Kelly Browe Olson, & Laura Bassein

Whole Family, Universal Risk Screening: New Evidence, New Tools, New Possibilities: Jennifer McIntosh, Amy Holtzworth-Munroe, & Claire Ralfs

Download a conference brochure and register online at:

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



Don't miss attending the AFCC (Ontario Chapter) Reception on Thurs., May 29, 2014, from 5:30 p.m. to 8 p.m. at La Maquette in downtown Toronto

If you haven't received your invite please email us for one at: afccontario@gmail.com



DON'T MISS THESE ONTARIO AFCC CONFERENCE PRESENTERS:

PLENARY SESSION 1: Shared Parenting after Separation & Divorce: The ideal and the Real: Philip Epstein, Hon. R. John Harper, & Martha McCarthy

PLENARY SESSION II: Charting a Course for Successful Parenting Arrangements in Domestic Violence-Related Child Custody Cases: Peter Jaffe & Katreena Scott

#1. Guidelines for Judges Meeting Children in Family Cases:

Rachel Birnbaum & Nicholas Bala

#2. Modern Family: Grandparents & Other 3rd Party Disputes in the U.S. & Canada:

Dan Goldberg

#7. Reproductive Technology: Parentage Determination across the Commonwealth:

Shirley Eve Levitan & Kelly Jordan

#13. Talking Change with Lawyers & Mediators: Case Studies in Critical Reflection:

Bernie Mayer & Julie Macfarlane

#17. Parent & Child Perspectives of Shared Parenting: Fairness & Equality:

Denise Whitehead

#18. Riding the Wave: Joint Custody & Parallel Parenting in 2014:

Hon. Carolyn Jones, Hon. Deborah Chapped, & Martha Shaffer

#22. Examining a Structured Observational Assessment for Custody & Access Evaluations: Christie Hayos & Nancy Webb

#26. Evidence Based Decision Tree for Considering Shared Parenting: Michael Saini

#27. What About the Village? Extended Families & Step-families Following Separation: Andrea Himel, Dana Cohen, Christine Kim, & Hon. Robert Spence

#32. Alcohol Monitoring: A Constructive Approach to a Difficult Problem:

Peter Marshall & Winnie Tan

#33. Family Violence: Collaboration between the Civil & Criminal Justice Systems:

Claire Farid, Hon. Geraldine Waldman, Rachel Birnbaum, & Maretta Miranda

#34. The Impact of the Intersection of Family & Immigration Law:

Caterina Tempesta & William Sullivan

#39. Don't Shoot the Messenger: Self-Protection Strategies for Parenting Coordinators: Gary Drenfeld

We are looking for volunteers to sit at our AFCC (Ontario) table for 30 minute shifts during program breaks to promote our chapter and answer questions.

Please let us know when you are available, from May 28 to 31, 2014: Wednesday evening, Thursday/Friday morning or afternoon, or Saturday morning.

Please contact: afccontario@gmail.com if you are interested in this opportunity.

ONTARIO AFCC CONFERENCE PRESENTERS – Cont'd**#40. Divorce Proofing the Family & Closely Held Business:**

Stacie Glazman, Elizabeth Hyde, & Deborah Moskovitch

#41. Closing the Family Justice Access Gap:

Hon. George Czutrin & Hon. Barry Tobin

#44. Shared Parenting Reinvented: Supporting Those with Unique Challenges:

Kimberly Harris, Daniel Ashbourne, Anthony Macri, & Mary Kay Arundel

#48. Representing Youth in a Digital Age: Practicality, Privilege & Privacy:

Lucy McSweeney, Mary Birdsell, Ian Ross, & Shuah Roskies

#50. How to Prevent Complaints, Build a Thriving Practice & Feel Rewarded:

Steven Benmor, Jacqueline Vanbetlehem, Linda Chodos, & Brian Burke

#52. Children's Justice Resource Centre: Promoting an Early Intervention Initiative:

Shely Polak, Hon. R. John Harper, & Alfred Mamo

#53. Providing Family Court Support to Survivors of Domestic Violence:

Pamela Cross, Mary Lou Fassel, & Donna Babbs

#55. Baptism to Upanayana: Clinical & Legal Options—Exploring Religious Differences:

Linda Feldman, Silvia Novak, & Kike Ojo

#58. Adult Children of Grey Divorce: Family Systems in Flux:

Marion Korn, Jennie Ormson, & Colleen Currie

#60. Online Technology: Solution-Based Opportunities for You & Your Clients:

Stephen Rosenfield & Deborah Moskovitch

#62. Separation & Divorce Proceedings May be Hazardous to the Health of Participants:

Desmond Ellis

#65. Elder Mediation: Focus on the Family at the Other End of the Continuum:

Resa Eisen

#71. A Better Approach: Working with Communities to Help High Conflict Families:

Howard Hurwitz, Jan Christianson, Sylvia Pivko, & Michelle Hayes

#74. Supervised Access & Custody Exchange Services: Part of the Solution:

Judy Newman, Steven Benmor & Michael Saini

#75. Strategies to Increase Use of Legal Custody Options under the CFSA:

Sonia Gentile & Tracy Engelking

#76. The Legal-Clinical Child Representation Team: More Than the Sum of its Parts:

Carolyn Leach, Elizabeth McCarty, Tara Noble, & Silvia Novak

#78. How Conflict Resolvers Can Build Emotional Skills Through Mindfulness:

Meysa Maleki

DON'T FORGET THE YOGA!! On May 30th & 31st 6:30-7:15 AM

AFCC 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 on-line membership directory of over 4,800 colleagues worldwide (don't forget to login to the members section of the AFCC web-site 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.

"AFCC-O" members are eligible to receive discount pricing to attend our annual conference, seminars & special events. Check our webpage Training Seminars & Workshops at this link:

[http://www.afccnet.org/seminars & workshops.php](http://www.afccnet.org/seminars_and_workshops.php)



Are you a member of AFCC and would like to join the Ontario Chapter?

www.afccnet.org/Chapters/JoinaChapter

"WHAT IS THE AFCC-O ALL ABOUT?"

The AFCC Ontario Chapter is an interdisciplinary association of family law judges, lawyers, mental health professionals, social workers, mediators, court administrators and other professionals in the family justice system. We share a strong commitment to education, innovation and collaboration in order to benefit communities, empower families and promote a healthy future for children. We are dedicated to providing an interdisciplinary forum for the exchange of ideas and the development of procedures to assist families in conflict; to encouraging the improvement of courts and court procedures emphasizing collaborative methods of dispute resolution; and working to develop and improve the provision of services that aid in resolution of family disputes.

NEW AFCC-O MEMBERS:

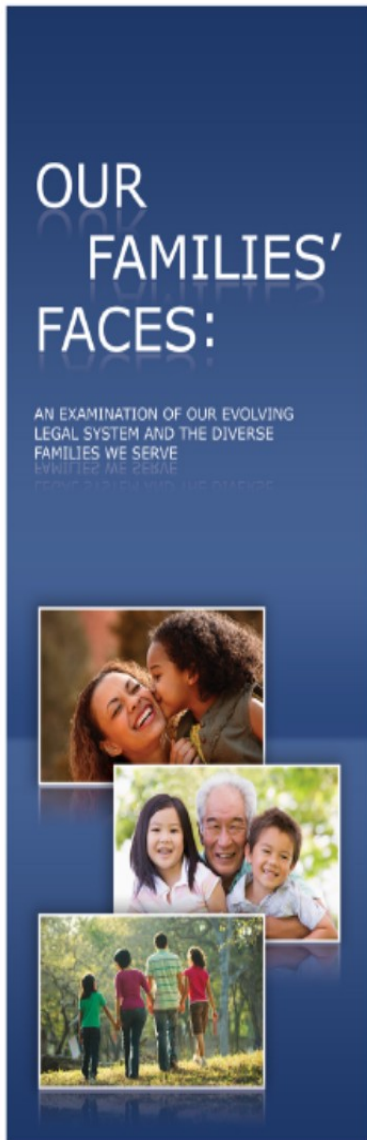
As of Feb. 28/14 we have 480 AFCC members in Ontario 410 are AFCC-O Members! welcome these 47 new Chapter Members since our October 2013 Newsletter!

- Isabella Szkop
- Rebecca Grosz
- Stephanie Kuiack
- Tanya Peterson
- Carina Chan
- Catherine Quigley
- Farnaz Mirshahi
- Jaclyn Trecartin
- Sanja Curic
- Clayton Spencer
- Jennifer Foster
- Adela Crossley
- Megan Celhoffer
- Heather-Ann Mendes
- Phillip Kravetsky
- Kavita Bhagat

- Colleen Currie
- Susan Sack
- Jessica Morris
- Claudette Reimer
- Lashell Eaton
- Donna Youngdahl
- Brian Ludmer
- Michele James
- Deanne Sowter
- Abiola Elikwu
- Julie Tyas
- Rennet Wong-Gates
- Gillian James
- Christine Glynn
- Katherine Batycky
- Ida Bianchi

- Ann Muscat
- Shelley Stirling-Boyes
- Keith Fraser
- Elinor Shinehoft
- Troy Estensen
- Nancy Huntley
- Elizabeth Waisberg
- Lauren Stringer
- Roy Jahchan
- Dawn Bennett
- Carrie Campbell
- Catherine Hibberd
- Marian Gage
- Marion Korn
- Judith Laxer

AFCC ONTARIO AGM & 5th ANNUAL CONFERENCE



On Thursday, October 17th and Friday, October 18th, 2013, The AFCC Ontario Chapter held its 5th Annual General Meeting & Conference, *Our Families' Faces*. Thursday's social event gave everyone a wonderful opportunity to connect with friends and colleagues and make new connections. Our annual social event continues to be well attended and an enjoyable way to mingle with fellow family law professionals in an informal setting.

Friday's conference commenced with the Annual General Meeting. Our new President Justice Debra Paulseth is joined by Dr. Rachel Birnbaum as President Elect, Andrea Himel as Vice President, Steven Benmor as Treasurer and Maggie Hall as the Secretary. Dena Moyal will stay on for another year as Past President along with Dr. Dan Ashbourne and Anthony Macri. Welcome to our new board members Justice Allan Rowsell, Linda Feldman, Karla McGrath, Shely Polak and Gerri Wong. Thank you for volunteering for our Board!

Nora Spinks, Executive Director of the Vanier institute was our keynote speaker. Her presentation, *A Demographic Overview of the Changing Canadian Family* was superb and riveting. She maintained our attention with her thoughtful and entertaining overview of how, using "Word Cloud", different groups, including high school and university students, wellness professionals, literacy groups and military families perceive 'family' -- what it is and what it means to them. We learned about the significant and complex changes in demographics over time and the potential implications these may have on the lives of families and family law in the future. Ms. Spinks raised issues and asked thought-provoking questions that stimulated us all – there was a definite buzz after her talk! She closed with an apt quote from Charles Darwin: "*It is not the strongest species that will survive...but that which has the greatest capacity to adapt.*" Visit www.vanierinstitute.ca for more information about the important work Ms. Spinks and her colleagues are doing at the Vanier Institute.

Our next speaker, Dr. Lori Haskell presented *Facing Our Families with Empathy and Compassion*. She summarized the internal workings of stress, empathy and compassion. She noted the importance of applying empathy and compassion in our daily interactions with our clients. We were reminded that we are not immune to stress and of the importance of our own self-care not only to take care of ourselves but also so we can provide the best possible services to our clients, who in many cases present us with significant challenges.

Next, Dr. Rachel Birnbaum and Professor Nick Bala presented *Pathways Through Ontario's Family Justice Process*. They began with an overview of the current family law justice pathways, highlighting the evident challenges

AFCC ONTARIO AGM & 5th ANNUAL CONFERENCE - Cont'd

in our system, noting a one-size model does not fit all. The differences between a tiered (linear) and triaged approach were summarized noting the benefits of a triaged approach, which permits a more differential response (more efficient and better use of scarce resources) to the various types and intensities of family disputes and conflict. We were reminded how difficult it can be for both professionals and non-professionals to deal with the complex separation and divorce system. Next, they summarized the results of their multidisciplinary survey of AFCC-O members that queried the different pathways in the current system. Questions were aimed at the professionals' perceptions about self-represented litigants, the role of custody assessments, factors contributing to the resolution of cases, gender bias in family courts and the services available to assist children and parents. The survey will be replicated in other jurisdictions and we look forward to hearing about the results!

To address an increasing challenge in the justice system, a multi-disciplinary panel on self-represented individuals kicked off our afternoon program. A spectrum of perspectives was provided by Justice Tobin (of the Ontario Provincial Court) and Justice Czutrin (of the Ontario Superior Court (Family)), an assessor (Gary Direnfeld), a mediator (Elizabeth Hyde, director of Mediate393), a lawyer in private practice (Maxine Kerr), a lawyer whose practice includes duty counsel panel work (Andrea Himel), a lawyer with the Office of the Children's Lawyer (Linda Feldman), and a lawyer from the Children's Aid Society of Toronto (Nicole Horwitz). This panel reminded us that while self-represented litigants present challenges to family law professionals, they have an increasing presence in the family law system. For that reason, the utilization of "best practices" when working with self-represented litigants is crucial to having positive working relationships. Tip sheets and short papers that elaborate on the panels' ideas are available on our website (see link below).

Another challenge facing our family law justice system is the array of cultural issues that arise in the families that we serve. In their stimulating discussion, titled *Cultural Competence in Family Law*, The Honourable Marion Boyd, Christine Kim and Lucy McSweeney reminded us that Ontario is a mosaic of cultures and cultures within cultures. Stereotypes are not useful when working with clients and we must stay mindful of our own inevitable biases. Taking the time to ask our clients key questions about what matters (and does not matter) to their individual family members is critical if we are to facilitate meaningful conflict resolution. In this way, family law professionals work towards preventing further cementing of our preconceived ideas and biases of what the family members ought to want or need.

To conclude the day we had the ever popular Philip Epstein and Lucy McSweeney provide a recap of several important cases that were decided by the courts in the past year. This session is always informative and entertaining.

The day concluded with a reminder to attend next year's conference in London, Ontario where the theme will be *Special Issues Before the Courts*. Please mark your calendars for October 16 and 17, 2014. We look forward to seeing you all there!

Provided by: Barbara Fidler & Anthony Macri

To view our presenters papers & presentations; and information on our 2014 conference visit:

http://www.afccontario.ca/afcc_ontario_conference.html

AFCC-O COMMITTEE REPORTS:

New Professionals Group (provided by Angela Khelem)

AFCC-O's New Professionals Group had its first ever event on Oct. 17, 2013 at Spring Rolls in Toronto.

The purpose of the New Professionals Group is to bring together young family law professionals (lawyers and mental health professionals in their first few years of practice) to examine and discuss interdisciplinary and collaborative approaches to family justice.

Our event was called "The Family Justice System as a Multi-Professional Process". It provided participants with a basic introduction to the interdisciplinary nature of family justice, and how various family justice professionals can work together to best serve the needs of separating families and children.

We were very fortunate to secure an incredible panel, consisting of Professor Nicholas Bala, Dr. Barbara Jo Fidler, the Honourable Madam Justice Debra Paulseth and Mr. Steven Benmor.

The event began with a brief introduction from the Chair of the New Professionals Group, Angela Khelem, welcoming our participants to the event. The makeup of participants was as diverse as the theme itself, and included family law lawyers, mediators, mental health professionals, articling students, law students, social work students and educators. This was followed by a brief overview of AFCC delivered by the current president of AFCC-O, Justice Debra Paulseth. Next, Professor Bala provided a brief overview of the Family Justice System in Ontario and highlighted various entry and exit points into the system, including mediation, arbitration, Mandatory Information Programs and judicial conferencing. The format then shifted to a moderated Question and Answer period where panelists were asked various questions related to the interdisciplinary nature of family justice. As an opening question, each member of the panel was asked "what do the words 'interdisciplinary practice' mean to you in the context of a family law matter?" Answers were provided from a legal, mental health and judicial perspective.

The success of this program, coupled with the rising numbers of new family law professionals, has resulted in AFCC-O's ongoing commitment to the New Professionals Group.

Provincial Programming (provided by Dena Moyal)

The AFCC-O Provincial Programming committee has been working diligently to bring members some very innovative programs. Some of our initiatives for 2014 include:

- AFCC-O members in Kingston are keen to work and network with other AFCC-O members. On Thursday, February 27th 2014, they presented ***High Conflict Separation & Risk of Emotional Harm to Children: CFSA & Family Proceedings***. More programming will be forthcoming.
- Want to know ***"How to Maximize Client Satisfaction and Avoid Complaints: From Initial Retainer to Final Account"***? Join us on April 23, 2014 from 9am to 11 am at the beautiful Pipers Heath Golf Club in Milton. Speakers include Brian Burke, Linda Chodos, & Jacqueline Vanbetlehem, moderated by Steven Benmor.
- ***First Nations. How can family law practitioners work more effectively with their clientele?*** Our first event was held on November 13th, 2013 at the Maawn Doosh Gumig – Aamjiwnaang First Nation Community Centre. The topic was Substance Abuse & Addictions: Unique Cultural, Legal and Clinical Considerations for First Nations. See page 22 for a summary of the presentation. This program was so successful, that another conference is being planned for the fall in Thunder Bay.

Other programs in the works include: A video on Adult Children of Divorce Sharing their Stories; Education and Training for New Professionals...and more.

The New Lawyer's Child Protection Group (provided by Seema Jain)

This group will be having a lunch and learn session on April 14th, 2014 at 1pm at 47 Sheppard Ave., 2nd floor. Please join us for an informative session about the adjudicative and mediation services provided to families and Children's Aid Societies.

See a complete list of our Committees and Working Groups on our website at:

<http://www.afccontario.ca/committees.html>

AFCC-O MEMBER SPOTLIGHT:



Our Spotlight Section Enhances our Recognition of AFCC-O Members Throughout Ontario

RICARDO THEODULOZ, MSW, RSW

Ricardo is a registered social worker employed by Jewish Family and Child (JFC) and the Children’s Aid Society of Toronto (CAST). He is also known for his position as the Outreach and Community Development Worker for the High Conflict Forum at JFC. On a typical day, Ricardo finds himself supporting the Forum, investigating child protection concerns, attending court, and assessing children’s needs in foster care and the community. He is an active father and stepfather and an avid runner.

Ricardo began his journey in 2004, as a social work student at JFC. He was granted the opportunity to work closely with Howard Hurwitz, the previous clinical director, at the inception of the High Conflict Panel; he is proud to be a part of the founding team!

The High Conflict Forum has created multiple opportunities for community practitioners to “expand their lens” and understand the complex dynamics of working with high conflict families. It provides a network of support to professionals serving high conflict families offering them a renewed sense of engagement. The Forum has been instrumental in assisting other cities start similar initiatives. At this time, Montreal, Ottawa, Nanaimo, Sudbury, Hamilton, and Newmarket have founded similar initiatives.

The High Conflict Forum welcomes new members! The 9th Annual Symposium is being held on March 28th.

Ricardo Shares with AFCC-O the Challenges of Being a New Professional

AFCC-O recently launched the “New Professionals” group. This group encourages new legal and mental health professionals that practise with challenging families in conflict, an opportunity to network and share interdisciplinary insights.

As a relatively new professional, AFCC-O asked Ricardo the following questions:

Q: What is it like to be a relatively new professional in this field?

A: In some respects, it can be intimidating as you are often challenged by your experience. One of the first things clients or other professionals may ask is “how many years of experience do you have?” or, “how many families have you helped in similar questions?”. It’s an interesting time right now because issues around separation, divorce and high conflict are a real and serious concern in family court. However, it also has broader implications, which can include child welfare concerns, child and/or adult mental health issues and law enforcement.

Jewish Family & Child Sponsors:

The High Conflict Forum 9th Annual Symposium on PARENTAL GATEKEEPING:

AN ALTERNATIVE APPROACH TO NAVIGATING HIGH CONFLICT FAMILY LAW DISPUTES

March 28th, 2014
at the
St. Lawrence Centre
for the Arts
27 Front Street East,
Toronto, ON

See this flyer on our website at:
http://www.afccontario.ca/seminars_&_workshops.php

AFCC-O MEMBER SPOTLIGHT—Cont'd

Q: What brought you into this line of work?

A: As a son of divorced parents, I wanted an opportunity to leverage my own experiences in a way that could be helpful for other children and families who may be going through similar experiences.

Q: What do you enjoy most about this line of work?

A: The complexity of the families! This area is always challenging. There is always a lot of history one needs to unpack, and regrettably, a lot of animosity.

Q: What do you find most challenging?

A: Often, there are strong and intense emotions when working with families in conflict. It's challenging to get emotional parents to focus on the pressing issue and their children as opposed to their anger.

Also, because this area is so multi-disciplinary, it's difficult to really understand the strengths and limitations of each respective field. We have to keep up with the literature and understand each profession's mandate and how, at times, they may conflict with each other. Inter-disciplinary collaboration is essential when working with these families.

Q: How do you keep balanced when doing this challenging work?

A: Not personalizing it! You meet people that are in crisis and their emotions are raw. They may be scared and worried as their life is changing. If the outcome is one the person did not expect, it can become about you even, despite it not being about you at all. That can be very hurtful; one needs to put it aside and not take it personally. Keeping physically active is always helpful too!

Q: What tips can you offer new professionals entering this line of work?

A: It's important to stay on top of the literature, be it the social science literature, case law, and understanding the different standards and protocols of the different professions. It's important to remain grounded when doing this kind of work and develop a good working relationship with a co-worker or supervisor to help you prioritize and navigate the challenges when working with these families. If possible, having a mentor that could provide you with context of how the field has shifted and practical strategies would be beneficial.

Interview and Article provided by: Shely Polak & Jill St Clair

AFCC-O PROVINCIAL PROGRAMMING EVENTS:

The AFCC-O Parenting Capacity Assessors Working Group held another excellent session on Fri. Jan. 31, 2014 at the offices of the Children's Aid Society of Toronto

About 50-55 participants attended this session hosted by a panel that included Dr. Dan Ashbourne (Psychologist), Charlotte Murray (Counsel), and Anthony Macri (Counsel) to discuss and explore the recent decision by the Honourable Mr. Justice John Harper in *CAS of London v. CDB & LDB*. The decision raises some interesting questions for those working in the field related to Section 54 C.F.S.A. parenting capacity assessments about the practice and implications of different assessment models. These models include the sole practitioner approach and different forms of team approaches, such as the multidisciplinary and co-assessor approaches. Various questions were discussed and audience participation was encouraged. Details to a few of the questions are noted below.

CONTINUED ON PAGE 22

DID YOU KNOW

Faculty of Community Services

RESEARCH INSIGHTS

RYERSON
UNIVERSITY

"RESEARCH INSIGHTS"

Faculty of Community Services, Ryerson University

It is widely recognized that the research and knowledge created within university settings should be packaged and disseminated in ways that benefit end users who need accessible and timely evidence. Translating and integrating research evidence into programs and policies are essential when making informed decisions that affect the health and well-being of society.

The Faculty of Community Services (FCS) at Ryerson University is focused on highlighting the research work and collaborations that FCS faculty have with other researchers internal and external to the Ryerson community. **FCS Research Insights** presents plain language summaries of the faculty's research, as well as, practice and policy insights so that key decision makers such as policymakers, community and health services providers, community groups and individuals can make evidence-informed decisions.

The plain language summaries housed on Research Insight are based on peer reviewed journal articles by faculty working in the various schools of Ryerson University's Faculty of Community Services such as the Schools of Child and Youth Care, Disability Studies, Early Childhood Studies, Midwifery Education Program, the Daphne Cockwell School of Nursing, Nutrition, Social Work, Occupational and Public Health, and Urban and Regional Planning. The summaries touch on subjects related to immigrants, health, women, youth, families and nutrition, among others, and are likely to be of great interest to practitioners from various disciplines.

Information compiled by Archana Medhekar

To access "Research Insights" visit:

<https://fcsktp.ryerson.ca/xmlui/>

COMMUNITY CORNER:**George Brown—Redirection Through Education—For You**

George Brown's "Redirection Through Education – For You" program is a dynamic, experiential psycho-educational group program for adults currently coping with the impact of mental health or addictions challenges. The program offers individuals opportunities to enhance their skill level in coping, problem-solving and general functioning as members of their community. Through full-time participation individuals will have the opportunity to identify their personal strengths, develop insight into areas for more skills development, prepare themselves for accessing further specific training or education, and create a viable personal support system. The program offers a holistic focus on a broad range of mental health issues, leisure education, physical health education, communication and relationship building, preferred learning styles, expressive arts, individualized goal setting, psychological/social development issues and group membership. Students are usually enrolled in the program for a maximum of 28 weeks and must attend all program components; no part-time attendance.

Provided by: Jan Schloss

For more information, visit George Brown College's website:

<http://www.georgebrown.ca/C701-2013-2014/>

NICK BALA SCHOLARSHIP:

**We are pleased to announce the Nick Bala Scholarship
WINNER: Joanna Hunt, JD 3rd Year
Queens University**

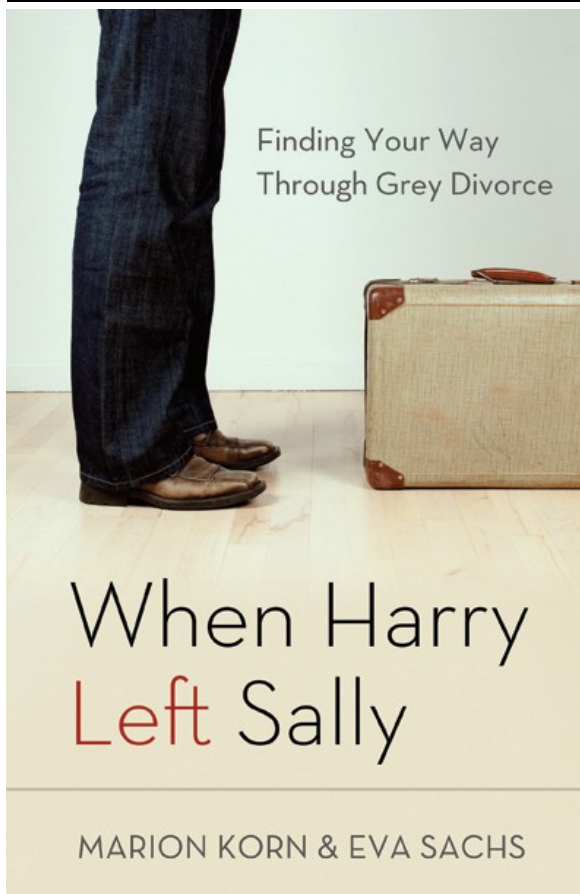
Here is an excerpt from her paper:

**"Education Programs for Separating and Divorcing Spouses:
A Proposed Evaluation of the Mandatory Information Program
in Kingston, Ontario"**

The paper reviews the nature of education programs for separating and divorcing spouses generally, considering their purposes, intended benefits, and recognized best practices for their delivery. It then proposes an evaluation of the performance of the Mandatory Information Program (MIPs) (at which attendance is required for all family court litigants in the province) in Kingston, Ontario, which will seek insight into the experience of participants at the local level, reflections on its performance from key stakeholders, and to make recommendations as to how adjustments to content and delivery models might help the program better achieve its stated goals and purposes.

**To apply for an AFCC
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BOOK CORNER:

**Featuring recently released publications
from AFCC-O members**

***WHEN HARRY LEFT SALLY: Finding Your Way
Through Grey Divorce***

Written By: Marion Korn and Eva Sachs, 2013

As a family lawyer and a financial professional, we came together to write a book on “grey divorce” in response to our many clients who were leaving long term marriages. Their questions and concerns could not be answered by simply showing them the legal guidelines. Nor could they understand the impact of the decision they were making by only looking at the numbers that represented their savings or the value of their home or their incomes.

What our clients really want to know is “Will I be okay?” More than that, what many were really asking was “Will we be okay?” We recognized that the honest answer to the question “Will I/we be okay?” is “It all depends.” There is no one solution that will fit all families. In order to get on with their lives, mature couples need customized solutions. How they find those solutions is all about conversation and guidance.

Divorce at any age is one of life’s most significant emotional events. Everyone harbours concerns about money, the kids, loneliness, and so much more. When you are in your fifties or older there are added worries: illness, destabilization of adult kids and grandkids, living alone for the first time in decades, retirement hopes, elderly parents who may also need help. There is little room for added concerns such as conflict that leads to depression and high legal bills. The book, told in stories, was written to help divorcing older couples find a better way to manage a difficult life passage.

Provided by: Marion Korn

**Please let us know of any new books that we can feature for upcoming
Newsletters by emailing us at: afccontario@gmail.com**

FILM REVIEWS:**WHAT MAISIE KNEW**

Provided by: Barbara Fidler

This heart wrenching film, based on a novel by Henry James, penned in 1897!, premiered at the 2012 Toronto Film Festival.

Situated in contemporary NYC, the story is told from eyes and ears of 6-year old Maisie. We are swiftly placed into her world of her parents' bitter custody battle and adversarial quagmire. Her mother, a rock star, struggles with emotional regulation and substance abuse; she may even have a borderline personality disorder. Her father, a narcissistic businessman, is quite certain he is saving his

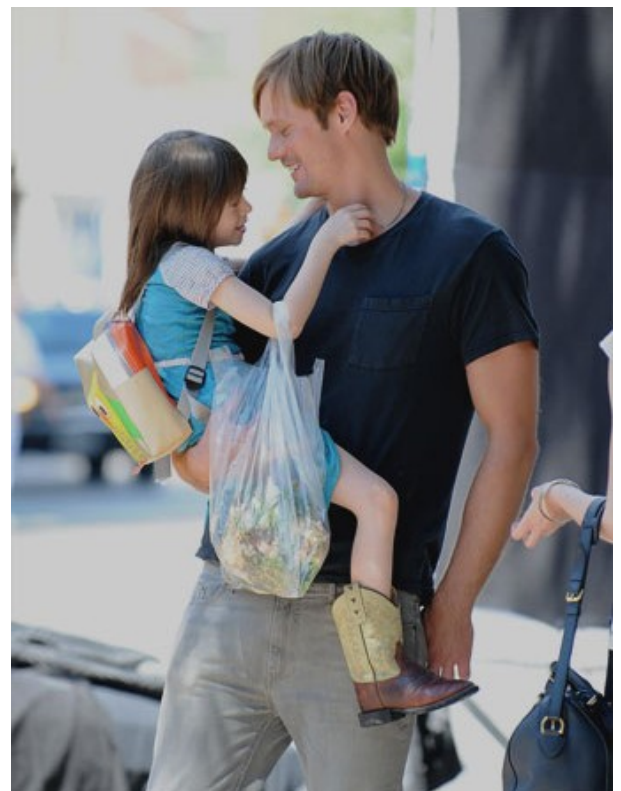
daughter. Both parents lack insight and emotional attunement of the real kind. Blinded by their self-focus and need to be right and for the other to be wrong, these well-meaning parents are oblivious to their precious Maisie's need to love them and be loved by them.

Maisie is exposed to inept parenting, including both overt and indirect parental conflict and badmouthing; with all of this "activity", she remains abandoned. She is used as a pawn in her parents' escalating war. The parent-child relationships and boundaries are corrupted; sometimes she is engulfed and relied upon as a confidant, other times she is infantilized, and still other times she tries valiantly to parent them! While she makes excuses for her parents, she copes the only way she can by keeping her love for each of them a secret from the other. Through all this, Maisie tries desperately to make sense of her confusing life events and ambivalent relationships.

After touring for some time, her mother returns expecting to be gratified by her daughter's love and admiration. Maisie though seems afraid and reluctant to return to a life of chaos. For one moment her mother appears to "get it", but quickly reverts to seeing herself as the victim, once again demonstrating her lack of attunement to her little darling, who now is placed in yet another impossible bind. Her father by then is long gone.

While sad to experience Maisie's world of loss and confusion from her eyes and ears, she is fortunate to have other adults available to protect and care for her. Still, it's not quite the same. Her parents' inadequacies and their resulting pain is palpable; despite their impotence to change. While the immediate impact on Maisie seems evident, one can't help but wonder what the long term effects will be on her future capacity to love and be loved.

To some degree, *What Maisie Knew* is a caricature of the families we attempt to guide professionally. Still, the film delivers a vital message to both litigating parents and professionals about the internal experiences of children caught in the crossfire, and hopefully will be a wake up call for some.



UPCOMING TRAINING EVENTS:

AFCC-O EVENTS:

How to Maximize Client Satisfaction & Avoid Complaints - April 23, 2014

Offered at Pipers Heath Golf Club in Milton area 9-11 am. Presenters: Brian Burke, Linda Chodos, Jacqueline Vanbetlehem & Steven Benmor

The New Child Protection Lawyers Group—April 14, 2014

Offered at 47 Sheppard Ave., 2nd Floor 1pm. An informative session about the adjudicative and mediation services provided to families and Children's Aid Societies.

Parenting Capacity Assessors Working Group Meeting - May 2, 2014

Offered at Toronto CAS building on Isabella, in the auditorium 2-4pm. This meeting's focus is on "Assessing Attachment". Presenters: Dr. Dan Fitzgerald & Dr. Jay McGrory.

On-line registration is now available for upcoming AFCC-O Meetings & Events on our Conference/Event Registration page at this link: <http://www.afccontario.ca/conference/>

OTHER WORKSHOPS:

Please note that AFCC does not endorse the organizations or professionals, and their listed seminars and workshops. As a courtesy to our members we extend this information to assist in the sharing of education opportunities.

ADRIO Elder Mediation—April 3, 2014

FMC Web Seminars on Child Support - February 2014 to April 2014

Family Solutions' Workshops

Hamilton Law Assoc. - High Conflict Personalities in Family Law - April 10, 2014

JFC High Conflict Forum 9th Annual Symposium - Parental Gatekeeping - March 28, 2014

OBA -Youth & the Law: A Spectrum of Issues, An Opportunity for Collaboration - March 5, 2014

OCLEF 8th Conference - Collaborative Practice & Beyond: Emerging Trends - May 2-3, 2014

Overcoming Barriers - Family Programs & Professional Trainings

Riverdale Mediation Courses

Riverdale Best Practices 6-Part Series - September 2013 to May 2014

Guelph Humber BA Judicial Studies—Open House Apr. 24 (Enrolment Deadline June 1/14)

York University Family Mediation Programs

Course flyers for the above listed workshops in Ontario can be viewed on our website at: [www.afccontario.ca/seminars & workshops.html](http://www.afccontario.ca/seminars_and_workshops.html)

ANNOUNCING OUR NEW CALENDAR !

View listings of AFCC, AFCC-O and Other Trainings on our website calendar at this link:

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ONTARIO'S FAMILY LAW SYSTEM: REPAIRS NEEDED

Written By: Steven Benmor*, B.Sc., LL.B., LL.M. (Family)
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www.benmor.com

Lawyers charge too much, spouses are choosing to self-rep & other myths: the uncomfortable truth revealed.....

I start by thanking Tom Dart for inspiring me to write this diatribe. Tom is a gentleman. He is soft-spoken, kind and courteous. Tom really cares about the plight of the family experiencing a break-up. When Tom complains about our existing family court system, people listen...I listen.

I recently read a piece written by Tom about the high cost of litigation and how this is a by-product of the Family Law Rules, the Rules of Professional Conduct and the Rules of Evidence. I'll come back to that topic in a moment. But just imagine, for a second, if a student that needed help after school from a support teacher had to fill out 30 pages of forms to get an appointment. Or how about a sick person needing to attend the hospital a few times before she meets the doctor who will write her a prescription. Or how about the new immigrant being denied social services unless he can write in clear (English) language what exactly he needs.

Well, that is what we do to separating spouses in Ontario who need help. We set up huge road blocks. We make them wait for help. We force them to make multiple trips to court. We insist that they fill out many (and lengthy) court forms. When they suffer through all these obstacles for help, we then make them wait for hours until they are heard. Once they are called in for help, they are told that they should get a lawyer to help them. If they do, they find out that they just can't afford that expense.

So back to Tom's piece. He writes:

"The Family Law Rules themselves with the requirement of 3 conferences before trial, attendance at a trial scheduling court, and then an exit pretrial for a fourth conference; updating the financial statement for a step in the case if it is more than 30 days old, and on and on, add cost to the client - even if they are representing themselves as they have to get out of work for many days just to get through the system. In our jurisdiction, we also have to fill out the trial scheduling endorsement form for the judge - which is almost a mirror image of the trial management conference brief - another cost to the client, which her lawyer cannot avoid. Judges want facts for all motions. The result: added cost to the client.

ONTARIO'S FAMILY LAW SYSTEM: REPAIRS NEEDED—Cont'd

The clients in the current system feel as if nothing is getting done. A constant question I am sure all lawyers hear - what have I got for what I have paid you? Their expectation when they go to a case conference is that something will happen. They want their problem addressed. That does not happen at most conferences - where we all spend the majority of our time.

I appreciate that there are sound reasons for the Family Law Rules - but does anyone analyze the cost impact to the client when rule changes are imposed? I am tired of hearing that lawyers fees are the main reason why people are having to be self-represented. Yes, it is true that legal services cost money.

We have to recognize that part of the problem is systemic, and we must devise a comprehensive approach to the system that does not add cost for the litigant."

So I say to Tom: Amen! But who is listening? Is Tom (am I) preaching to the choir?

When my stay-at-home mother client hires me to get her a support order because her husband claims that she should support herself:

1. What should I tell her it will cost her to get that order?
2. When will a judge hear her case?
3. What steps do I need to take to get in front of a judge?

You all know the answers:

1. More than the support she will get;
2. In about 3-6 months;
3. Lots...more than she would ever imagine.

Now that you have read this, what are YOU going to do about it? Let me know your answer.

"We have to recognize that part of the problem is systemic, and we must devise a comprehensive approach to the system that does not add cost for the litigant."

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THE INTERPLAY OF CULTURE AND MENTAL HEALTH IN FAMILY DISPUTES

Written by: Dr. Pushpa Kanagaratnam PhD., C. Psych., and
Archana Medhekar, Barrister and Solicitor



"Having an ethno-centric view may lead to misinterpretations in interactions between the families and professionals involved with immigrant families"

Majority of countries in the world do not share the same views and values of mental wellbeing and psychopathology, which are prominent in western psychology and psychiatry. Upon arriving to Canada, most of the newcomers and immigrants, in spite of the challenges, can be resilient and adapt to the norms and values of the mainstream western culture. However, the process of a complete adaptation may never happen. Some may seem acculturated outwardly, and others may show resistance to adapt. Mental health concerns need to be seen from a cultural lens to properly understand the added dimensions and complexities in family dynamics. Having an ethno-centric view may lead to misinterpretations in interactions between the families and professionals involved with immigrant families. This underlines the importance of developing cultural insight. This becomes more salient in family conflicts involving custody, access or child protection issues.

Subjective well-being in many cultures means more about social relationships. It involves how others view their lives as successful in accordance with their cultural, societal norms and values (rather than personal emotions). This makes the understanding of and approach to mental health problems in immigrant/refugee families immensely different from the western approach. This perspective would also inform how these families understand and approach the socio-emotional well-being of their children. Due to different factors in play, the professionals may not view families as child-centered, when in fact the families may hold the best interests of the child from a different perspective, while unfamiliar to the mainstream. For instance, in spite of conflict and disharmony in the family, parents may place more value on keeping the family intact.

Having a varied understanding of mental health and illness is also associated with exposure to a different mental health system and care in one's home country. In many cultures, mental health is not seen in a continuum. When socially disruptive and abnormal behavior would be clearly identified as pathological, mood changes, post-traumatic stress, and anxiety issues for example, may not be considered as mental illness needing professional help. Likewise, any mental illness in the continuum, even serious mental disorders such as schizophrenia, may be termed as depression, due to people having limited knowledge and familiarity with diagnostic terms in English. Thus, in spite of attempts in different ethnic communities to adapt to a mainstream model by translating a new vocabulary of mental health concepts and terms into their languages, the comprehension may be lost in translation. Related to this is the challenge of using language interpreters in psychological assessment and treatment. Though translated, conversations may not provide the intended culturally appropriate meaning the client wants to convey to the professional.

Clearly, there is evidence from research indicating that having symptoms of a certain disorder may not necessarily mean diagnosis. The significance of symptoms may differ, depending on the social context and perception about the meaning of mental illness. When the social and cultural context of individuals and families are not taken into consideration, their behaviors may be pathologized or misdiagnosed. For instance, a woman who is separated from her children by her former spouse could be erroneously identified as having a personality disorder, if her long-term struggle to cope with the cultural norms and expectations in her community is seen in a vacuum rather than from a socio-cultural context.

Majority of cultures in the world, either associate self-reflection to spirituality or may find it relatively insignificant for their well-being. However, self-reflection is seen as the key component in conventional psychotherapy. Coming from high-



THE INTERPLAY OF CULTURE & MENTAL HEALTH IN FAMILY DISPUTES—Cont'd

context and non-verbal cultures with a lesser tendency in psychologizing problems, the majority of immigrants and refugees would be unacquainted with mainstream counselling and psychotherapy approaches, which emphasize verbalizing personal emotional symptoms and finding solutions to their problems by analyzing their intrapersonal conflicts. Their goal in treatment could probably be in finding practical solutions to their problems rather than in increased insight or improving mental well-being and psychological functioning. On the other hand, medications, may be seen as a quick and easy solution by some, as it is a familiar option and the treatment could be received through a family physician, which is less stigmatizing. An added challenge is the limitations in the methodology in assessing healthy interactions and behavior in high context and non-verbal cultures. The use of trained cultural brokers could be weighed in as a valuable tool.

Every community holds practices that establish, maintain, and promote mental well-being of its members. These practices originate from the ancestral history, the socio-cultural context and experiences of the community. Prolonged armed conflicts, natural disasters and displacement, strike the core of the community's strengths, its structure, values and practices. Revitalizing community practices and the natural coping mechanisms of community members become challenging. When faced with professionals and a system that is ethnocentric and is lacking in knowledge and open to indigenous methods of coping, this becomes a further challenge to the family. They are forced to relinquish familiar coping strategies that help them out of distress, as these are, for example, seen as passive modes of coping and ineffective from a mainstream point of view.

Apart from the typical barriers to receiving mental health care, such as the stigma and the health care system itself, which is culturally less adaptive, there are some unique challenges when it comes to immigrant and newcomer communities. Research reveals that individuals are mostly resilient in spite of past traumatic experiences. However, events that evoke elements of past trauma and loss can contribute to the re-emergence of anxiety, depression or post-traumatic stress disorder, particularly if they have lived away from the triggers and reminders of the past for a period of time. This is a relevant factor, considering families uprooted from war torn countries.

Among Black communities for example, women are reluctant to report their abusive partners due to the risk of them facing discrimination in the system. Likewise, immigrant and newcomer communities hoping to sponsor their family members from their home countries may be apprehensive about being identified as mentally ill as they feel this may jeopardize the sponsorship applications. Parents in newcomer communities also knowingly or unknowingly fear that education and job opportunities for their children would be negatively impacted if they acknowledge mental health problems in them or in their children. Other contributing factors affecting mental well-being and family conflicts in newcomer and immigrant communities are unemployment, underemployment, changing gender roles, broken social structure and values, and marriages that are arranged due to obligations or to saving lives from war and persecution.

An understanding of gender roles and expectations in a given culture is imperative in interpreting an individual's behavior. For certain religious groups for example, asserting legal rights such as spousal support or equalization from the estranged spouse/partner may become a cause of "defamation" within the community due to deep rooted religious beliefs. Similarly, it is commonly seen in South Asian families that keeping the family intact at any cost, would give woman respect and status in the community, and contribute to her subjective well-being as she is abiding by the norms and values expected of her by her people.

It is important to identify that mental health issues impact individuals, affect the entire family, and eventually the society. The professionals have to be cautious of the other perspective before reaching conclusions and not be judgemental. It needs to be ensured that the cultural issues are identified early on, in the interest of the larger society, to find long lasting solutions. Educating both sides, and building mutual trust and a culturally sensitive system is the key to improving our legal and clinical approaches to the advancement of the well-being of children and families of diverse ethnic backgrounds.

Dr. Pushpa Kanagaratnam is a registered clinical psychologist in Toronto, Ontario. She is an Assistant Professor at University of Toronto, Department of Psychiatry, Faculty of Medicine, and has affiliate status as a Research Scientist in the Social and Epidemiological Research Department at CAMH. She can be reached by email at: drkanagaratnam@gmail.com

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ORTHODOX JUDAISM & CUSTODY DISPUTES: WHAT TO EXPECT IN FAMILY COURT

Written By: Steven Benmor, LLM



For the Orthodox Jewish person, the 613 mitzvot (commandments), and the scholarly commentary that followed, sets out a very defined code of conduct that guides Jewish behaviour. The Jewish code of conduct, known as *Halacha*, is what defines the Jewish person's very relationship with God, their fellow person and their community. In Orthodox Jewish thought, the traditional practices, rituals and prohibitions are not optional. In fact, not observing a commandment is considered a sin that requires repentance.

Likewise, *Halacha* imposes various obligations upon the Jewish parent. At 12 years of age for girls and at 13 for boys, children enter adulthood as a Bat and Bar Mitzvah and are expected to begin bearing personal responsibility for their actions. In other words, until that age, Jewish parents are held responsible to God for their children's behaviour including their sins. A Jewish parent is obligated to ensure that the food their child eats is Kosher, learns to pray, observes the Sabbath and other holy days and is educated in Judaism and Torah.

In many Orthodox Jewish families, well before children are born and, in many cases even before the spouses marry, the spouses carefully examine their religious philosophy and intended practices to ensure that they are consistent. Indeed, there are differences even amongst various factions within the Orthodox Jewish community. That is why many of such marriages are carefully orchestrated with the involvement of the spouses' families, their Rabbis and, in some cases, a professional matchmaker. This is all done to eliminate the possibility of future disagreements over core philosophies such as family life.



Despite all such efforts and good intentions, the Orthodox Jewish community is not immune to marital conflict, irreconcilable differences and separation. Although the rate of divorce may be less than the general population, it nonetheless occurs. When it does, some couples seek to resolve their differences privately with the help of their families, Rabbi, or professional mediators and lawyers. In some cases, one or both spouses may decide to seek remedies in the Ontario courts. The purpose of this article is to chronicle some recent cases where Orthodox Jewish parents' custodial powers and competing religious convictions were placed before the courts.



In *Rosenberg v. Minster* [2011] O.J. No. 3607, the mother brought a motion asking for an order that the father comply with Jewish dietary laws during his access visits with his daughter and that access be suspended during the Jewish holy days. The mother demanded that the father comply with Jewish Orthodox practices. The father described this as extreme. Much of the affidavit evidence focused on the past conduct of the parents and whether there existed an agreement to parent their children in accordance with Orthodox Jewish practice. Instead of making findings of fact in this respect, the court stated "the only question to be considered is what is in the best

ORTHODOX JUDAISM & CUSTODY DISPUTES: WHAT TO EXPECT IN FAMILY COURT –Cont'd

interests of the child. It is not for courts to choose between the religious practices of parents...The best interests of a child usually means that a child's relationship with the other parent is more important than exclusive conformity with the religious practices of one parent."

In *Polak v. Polak* [2013] O.J. No. 3295, again the court was faced with a case where Orthodox Jewish practice was at the core of the parents' dispute. In this case, the parties had two boys, ages 6 and 4 years. The mother was not Jewish. But, after her mother (the maternal grandmother) remarried to an Orthodox Jewish man, both the mother and grandmother converted to Judaism. The mother then took steps to convert the children. She gave them Hebrew names, dressed them in tzitzits and kippahs (religious prayer shawls and head coverings), registered them in a Jewish school and had the boys circumcised. Most importantly, the mother limited the children's contact with their father because of her Orthodox Jewish beliefs.

In expressing disapproval of the mother's conduct, the court stated:

"I do believe that this is a situation where religion has taken on a toxic presence detrimental to the best interests of the children...Had the Applicant been more balanced in her viewpoint, or had she been able to balance her religious views with time sharing with the husband, the result today would most probably have been quite different...As such, it is my determination that the children's best interests can only be met by placing them in the custody of their father..."

These cases demonstrate that the Ontario courts are maintaining the Supreme Court of Canada's standard for parenting, as set out in *Young v. Young*, by only limiting a parent/child relationship where there is a risk of harm. Neither in *Rosenberg* nor in *Polak* were either Jewish parent able to demonstrate that the other parent's failure to obey Orthodox Jewish practice would expose the children to a risk of harm and, as a result, their attempts to have the courts uphold these Orthodox Jewish parenting practices failed.

This is to be juxtaposed to the Supreme Court's decision in *Bruker v. Marcovitz*, where Justice Rosalie Abella, writing for the majority, upheld Orthodox Jewish practice by awarding an Orthodox Jewish wife damages resulting from her husband's refusal to grant her a Jewish divorce, called a *Ghet*. According to *Halacha*, a Jewish wife requires a *Ghet* to remarry and have more children. In this case, the husband deprived his wife of a *Ghet* for 15 years.

In this case, the Supreme Court was asked to turn its attention to the interplay of state law and religious beliefs and, in so doing, declared that the court may and will uphold Orthodox Jewish beliefs and practices.

Interestingly, Justices Deschamps and Charron, in dissent, stated that under Canadian law, the wife could have remarried and had more children. They stated that only her religious rights were in issue and that it is not up to the state to promote a religious norm.

The Supreme Court may someday address the competing interests of parents' custodial powers and their religious convictions.

Steven Benmor, LLM (Family), C.S., is Chair of the OBA Family Law Section and the Treasurer of AFCC-O. He can be reached at steve@benmor.com

AFCC-O PROVINCIAL PROGRAMMING EVENTS - Cont'd



On November 13, 2013, AFCC Ontario Chapter in partnership with a group of local First Nations professionals, held a one day conference

“Substance Abuse & Addictions: Unique Cultural, Legal and Clinical Considerations For First Nations Families”

More than 130 people attended this event held at the Maawn Doosh Gumig – Aamjiwnaang First Nation Community Centre in Sarnia. The Chief of the Aamjiwnaang First Nation, Chief Chris Plain welcomed the participants and he was followed by Debra Isaac of

the Walpole Island First Nation who provided some cultural competency from the Anishinaabe perspective and then Jean Henry who provided some cultural teachings from the Aamijiwnaang First Nation. With the stage set, the delegates spent the day examining the concept of drug testing within the context of child protection cases and looked at appropriate interventions and treatment options.

We benefited from a tremendously talented roster of speakers including: Jennifer Trasher, Manager of Legal Services, Sarnia-Lambton CAS; Crystal George, Band Representative, Aamjiwnaang First Nation and Panel Lawyer for the Office of the Children’s Lawyer; Gerri Wong, family law lawyer; Colleen Johnson, Legal Counsel for the Walpole Island First Nation in Child Welfare; Dr. Julie George, Mental Health and Addictions Coordinator, Kettle and Stoney Point First Nation; Tracey George, Mental Health Team Lead, Aamjiwnaang First Nation; and, Dr. Robert Antone, Executive Director, Kiikeewanniikan, South Regional Healing Lodge. ADR-link, which oversees the child protection ADR services in the region, and a sponsor of the event, ran a panel that explored ADR options for these families.

All participants particularly valued the view from the bench presentation. A local judge, The Honourable Justice Deborah Austin, Ontario Court of Justice joined The Honourable Justice Joyce Pelletier, Ontario Court of Justice, who is a First Nations judge who regularly sits in Thunder Bay, for an insightful discussion of the issues. There was also opportunity for questions.

From comments made and the evaluations received, it was agreed that this event was helpful and much needed as a means of opening respectful dialogue and discussion between the professionals who provide services for First Nations families. Discussions are already underway to plan another First Nations event in Thunder Bay.

Provided by: Maggie Hall, Conference Chair

This above event was co-sponsored by AFCC-Ontario Chapter and ADR-LINK at the Centre for Children & Families in the Justice System or CCFJS (formerly the London Family Court Clinic).



The AFCC-O Parenting Capacity Assessors Working Group—Cont'd from page 10

1. What are the benefits/challenges to a sole practitioner approach or team/multidisciplinary approach?
Some in the audience noted working as sole practitioners while others identified being part of a team. With a sole practitioner model, one person has the full picture of the family circumstances but must contend with balancing their own values/biases/cultural views when evaluating the case. Co-assessors may provide some checks and balances when it comes to disparate values/biases/cultural views and potentially different disciplinary perspectives. Similar checks and balances are available with a team model, although some confusion may arise as to which team member did what part of the work on the evaluation unless the process is clearly outlined and identified in the records and report.

The consensus appeared to be that while each approach has its strengths and challenges, if a team/multidisciplinary approach is used then it needs to be agreed to by all parties, counsel and the court up front and the process fully

understood by all. The report can then outline the process and qualifications of each member of the co-assessor model or team approach and their role in the assessment (as is required in the s. 54 endorsement form). Discussion noted how best to share this information and at what stage in the process. It was concluded that the best approach is to ensure these aspects are sorted out prior to starting the assessment. A conference call with all counsel prior to accepting an assessment where these aspects are fully discussed and recorded in the file is an important step. The audience also heard that the Gouge Inquiry made it clear that the court bears the final responsibility to assess the evidence of the experts being used and accepted by the court.

2. How does the team/multidisciplinary approach impact training opportunities for those wanting to enter the field?

The general consensus was that many of us offer placements for clinicians/interns/articling students and this is a valuable service towards developing the pool of well-trained and available assessors. In settings that offer training opportunities, ongoing supervision and mentoring is important. Many of us begin with having the trainee observe or "shadow" the process, then gradually take a part of the work under full supervision, and only later, where appropriate, move to more independent work. All agreed that whether it is in a sole practice or team practice, the trainee's role must be clearly identified at the outset and made available in the report and he or she must be supervised throughout the assessment. The various assessment models may offer different learning opportunities for different types of trainees, who need to be aware of the similarities and differences in these approaches and the strengths and challenges inherent in each of them.

3. If a team approach is being used, how should it unfold?

Whether one is talking about a team, co-assessor, or sole practitioner approach, the audience was reminded about the tool previously developed to aid good assessment practice. On the government website is a CFSA s.54 endorsement form to aid in development of a court order for assessments; if this form is followed, the methodology and process should be clearer from the beginning. This endorsement form process will be beneficial to all assessment models -- sole practitioner, co-assessor or multi-disciplinary.

The s.54 endorsement form seeks to specify: the name of the assessor(s); the time line for the assessment; who is to be assessed; why the assessment is necessary, and; the questions to be answered, including those that require the assessor to provide recommendations. The endorsement form requires that all questions that the lawyers and court want examined must be set out and agreed to at the outset. In addition, all discussion during the team process must be recorded in the final court report. This allows the court to see who did what during which section of the process. For example, if testing was required, the psychometrist or psychologist must include their qualifications, what they did, the referral questions and the test results. Finally, there must be a clear and transparent process identified of who will contact the lawyers to seek approval from the court if any proposed changes become needed during the process.

Question 8 on the endorsement form lists what needs to be included with the final report, namely: the resume CV of the assessor(s); schedule of the questions; instructions received; list of documentation and other materials reviewed; methodology of the assessment; reasons for the conclusions drawn by the assessor(s); response to the questions posed; reasons for why any questions could not be answered, and; recommendations.

Finally, questions 9-20 of the endorsement form offer further direction to the assessor(s) about contact information, relevant past clinical information, records that will be provided, details about further documentation to be provided to the assessor, how to communicate about changes, costs, observations, or any additional terms, etc. Assessors are encouraged to use this tool to sort out details at the referral stage before beginning the assessment.

4. What about length of time to complete these assessments?

Sec. 54 order states that these assessments must be completed in 30 days with a report provided 7 days before the return to court. Much discussion took place about the realities and delays that often occur before the assessments can start, which then hamper a prompt conclusion of the assessment. When this occurs, the assessor needs to provide clear information to the lawyers and the court about the delays, why they have occurred and seek direction from the court. The assessor(s) may find it helpful to provide written updates to all parties on the progress of the assessment and generally are encouraged to ensure good communication with all counsel and the court throughout the evaluation.

5. What lessons can be learned from this decision to help practitioners in Court and with their practice?

Much discussion took place about understanding how to testify and be qualified as an expert in court versus being a fact witness for the Court. Discussions occurred about the importance of good record keeping and how this can be achieved regardless of the assessment model. In addition, counsel noted that it is important for the qualifications of all professionals involved in the assessment to be known by the parties and the court up front. The report provided should include details about the schedule of appointments, sources of information, methodology employed and the assessment process. In the same way that the report speaks to what can and cannot be answered, it should outline any steps that required a shift in the process or methodology and the reasons for these changes. Some of these unanticipated changes to the process or methodology could also be outlined in any mid-process update letters to all counsel and the court.

To Conclude:

Finally, the take away message from the discussions was that the training and education of all mental health professionals about their role in court related work must be ongoing. The audience was informed about various sources of continuing education, including training events offered by the AFCC parent organization (www.afccnet.org), the provincial programming committee of AFCC Ontario (www.afccontario.ca), other working groups, and networking/educational sessions held across Ontario that may be of interest to the members.

Provided by: R. Birnbaum, D. Ashbourne, C. Murray, & A. Macri

Parenting Coordination Training

PC FOUNDATIONS

MODULE 1:

MAKING SENSE OF SOCIAL SCIENCE & APPLYING IT TO OUR WORK AS LAWYERS, MEDIATORS, PC'S, ASSESSORS & THERAPISTS

April 10 or Nov. 13/14 (5 pm to 8:30 pm)

Barbara Jo Fidler, Ph.D. C.Psych., AccFM

Guest Speaker Michael Saini, Ph.D., MSW, RSW

MODULE 2:

PC FOUNDATIONS

April 11 & 12 or Nov. 14-15, 2014 (9 am to 4:30 pm)

Barbara Jo Fidler, Ph.D., C.Psych., AccFM &

Linda Chodos, MSW, RSW, AccFM.

PC: ADVANCED APPLICATIONS

December 12-13, 2014

(9 am to 4:30 pm)

Barbara Jo Fidler, Ph.D., C.Psych., AccFM. &

Linda Chodos, MSW, RSW, AccFM.

Guest Speaker Douglas Millstone, LL.B.

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WHAT'S NEXT?



**Mark your calendar to attend our
6th Annual Conference in London, ON this year!**

- **Beginning with our Reception on Thurs., October 16th, 2014
Conference on Friday, October 17th, 2014**

**NEW LOCATION: The Marconi Cultural & Banquet Centre
150 Clarke Road, London, ON**

Our 2014 Conference will include the following topics:

- **Parents Struggling with addictions**
- **Parents/children suffering from mental health issues**
- **Implications for families with disabilities**
- **Ruptured relationships: Helping Families Heal**