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Organization looks to make family separation as painless as possible

The American Association of Family and Conciliation Courts, or AFCC, is an interdisciplinary international association of professionals dedicated to improving the lives of children and families through the resolution of family conflicts.

Many professionals make up AFCC, including legal scholars, judges, social scientists, attorneys, mental health professionals and alternative dispute resolution professionals. This allows many minds and specialties to collaborate and introduce solutions and reform the biggest issues found in family law.

AFCC encourages and fosters a roll-up-your sleeves, first-name-only culture of collegiality to the resolution of family law challenges. AFCC is headquartered in Madison, Wis., with a wide membership in all 50 states, 10 Canadian provinces and 27 countries.

AFCC members vary in profession and location. By working together as AFCC members, each can spark change in their community, eventually reaching a wider audience.

AFCC, Illinois chapter

The Illinois chapter began with a few judges, attorneys and mental health professionals meeting every month for lunch. Each person had one thing in common: The belief that the way family law matters were handled in Illinois needed improvement. Family law attorney Nanette McCarthy, principal at Griffin McCarthy & Rice LLP, took the lead in making this happen.

In 2013, this lunch group took on an ambitious goal. They wanted to incorporate an Illinois AFCC chapter, an organization celebrating 50 years of success. The Chicago-based group was nervous about adding yet another

organization for people to join. Even more daunting was getting family law professionals from other parts of Illinois involved.

However, the group had faith because one year earlier, in 2012, Chicago hosted the annual AFCC national meeting, and the response from the family law community was encouraging. To start the chapter, they needed 75 members and an elected board.

When the group reached out to judges, attorneys, mediators and mental health professionals, the response was strong and favorable.

Since then, the Illinois chapter has been growing and continuing to encourage, learn and teach the best practices in family law. To that end, a long and well-respected similar group of professionals known as Forensic Forum Chicago recently disbanded and encouraged its members to become active in AFCC Illinois.

AFCC endorses divorce education, child custody mediation, parenting coordination and collaborative law, among other things. All of these alternative dispute resolution processes are meant to manage courtroom drama and focus on teamwork.

More and more professionals are looking for alternatives to traditional litigation because of the stress and strain it causes on a family's emotional and financial life. AFCC allows professionals to work together and create alternatives to manage tensions for families in crisis.

Divorce education

AFCC strives to assist families in conflict. Through its website, AFCC offers educational tools for families and professionals.

Each quarter, AFCC publishes Family Court Review, a law review journal dedicated to family law. It is the leading interdisciplinary academic and research journal for family law professionals.

COLLABORATIVE CONCEPTS



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The website has pamphlets, online resources and parenting plan information. The resources aid professionals in helping clients understand how to tell their children about divorce, how to cope through the divorce process and how to start a cooperative settlement process, if possible.

Education is a powerful tool. AFCC not only realizes this, but makes it a goal to provide quality educational materials to clients and professionals.

Mediation

In family law, mediation is a process where professionals utilize skills in assisting the parties with negotiating and achieving an outcome which ultimately meets many of their clients' goals.

Some mediations take place with attorneys present, a model often utilized in family law. This often reduces the chances of miscommunication when it is time to draft the marital settlement agreement.

There are a wide range of options available for mediators: retired judges, attorneys, mental health professionals and financial advisers. Depending on the couple's conflict, the attorneys tend to choose the right mediation for each.

For example, a retired judge may be most helpful should one or both of them need a perceived sense of power in the room. A mental health professional might be most helpful with children's or mental health issues.

This process offers each party power in decision-making. By opting for mediation, the parties are in a position to keep control over their outcome and make the best decisions for their family.

Parenting coordination

Parenting coordinators are either appointed by the court or hired by agreement between the parties. A parenting coordinator assists parents in making minor decisions about, and for, their children.

To be a parenting coordinator, there are some requirements, including at least five years of mediation experience. You also need an advanced degree in social work, psychology, counseling or a law degree.

Mediation is often attempted prior to calling upon a parenting coordinator. If parties cannot reach an agreement in mediation, a parenting coordinator comes into the case to assist with decision-making. Parent coordinators are often appointed in high conflict cases to assist the family post-divorce, though some judges utilize them predecree.

Mediators encourage cooperation without making decisions for the parties, while parenting coordinators are allowed to make minor decisions based on the best interests of the children if the parents cannot agree.

Parenting coordinators help manage litigation expense by hearing the parent's concerns and making decisions more efficiently than lawyers presenting those concerns to judges.

Drafting a thorough parenting coordination order is crucial to success for the litigants as well

as the parenting coordinator. Again, AFCC is an invaluable resource for those tools.

Collaborative law

Collaborative law uses a team of professionals to accomplish the couple's goals for their family.

When asked why she chose to become a collaborative law fellow, my partner, Aubrey J. Parker, said, "I became involved in collaborative law because I enjoy the privacy and creativity it lends to family situations. Court is not an ideal forum for families to resolve their disputes. It is public and can be very cookie cutter. This does not work most of the time because families are

not cookie cutter. As a wife and mother myself, I would much rather have an active role in making decisions for my future and my children's future instead of handing them over to someone in a black robe who has never met my children. Not every case is right for the collaborative setting, but when a case is right, it is magical and you get the opportunity to really help a family. It is incredibly gratifying."

The collaborative team includes the couple, two attorneys, two coaches (occasionally only one coach), one child specialist, a financial neutral and other collaterals, if needed.

This model of dispute resolution is based on three core principles:

- 1.A pledge not to go to court (i.e. a participation agreement);
- 2.An honest exchange of information;

- 3.A solution that takes into account the highest priorities and the goals of the whole family.

As Parker said, each family is different. Each family will require a different process. But AFCC recognizes and encourages this for each and every family and believes in offering alternatives for those families who do not want to bare all in a courtroom.

AFCC Illinois annual meeting in Chicago

As president of AFCC, Illinois chapter, it is important to promote our annual conference featuring Matthew Sullivan, a clinical psychologist with a doctorate in psychology. It will be held Oct. 19 at 161 N. Clark St. To register, visit afccillinois.org, where you also can learn more about the AFCC Illinois chapter.

Please visit afccnet.org to learn more about the AFCC.

The author would like to acknowledge the substantial contributions to this column by law clerk Adeline Sulentic.