



AFCC ONTARIO

NEWSLETTER

VOLUME 7. NUMBER 4 Association of Family and Conciliation Courts – Ontario Chapter Winter 2011

Visit our website at: www.afccontario.ca

ONTARIO IS EXPANDING ITS FAMILY JUSTICE REFORMS

In late 2010, the Honourable Chris Bentley, Attorney General of Ontario, announced that mediation, information and referral services would be available in courts that hear family cases province wide by summer 2011. These services are similar to the services that have been available in the 17 Family Court locations since 1999, and they build on recent successes in Milton and Brampton, which were the first courts to launch family justice reforms, including the Mandatory Information Program.

Mandatory Information Programs (MIPs)

MIPs are two to three-hour sessions presented jointly by a lawyer and mental health/social service professional and include information about the effects of separation on children and adults, basic legal issues and going to court. The presenters also review options other than going to court that families may wish to consider as they attempt to resolve their issues.

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\$300 (member)

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(3 5/8" x 4 7/8")

\$150 (member)

\$250 (non-member)

Mediation

Mediation services will be available both on-site at the court house and off-site in mediators' private offices. Free on-site services are provided to parties who are in court that day who have narrow or simple issues to be resolved. If parties have complicated or multiple issues that may require more than one mediation session to resolve, they are referred to off-site mediation. Off-site services are also available to parties who have not started a court application.

Information and Referral Coordinators (IRCs)

IRCs are trained social service professionals who act as a point of contact for clients as they enter the family justice system. They are usually located in the Family Law Information Centre (FLIC). They maintain connections with local resources and can provide information to litigants or potential litigants about what services are available in the community. They can also help parties establish contact with the services. IRCs provide information about ADR, including court-affiliated mediation services and the MIP. As a first point of contact, IRCs can also identify those clients who need to go before the court on an urgent basis and refer them to Legal Aid Ontario's advice or duty counsel services.

Who will provide these services?

In the coming weeks, the Ministry of the Attorney General will post a Request for Proposal on [MERX](#), seeking bids from qualified family justice professionals interested in providing these services in locations across the province.

Next Steps

The Ministry is continuing to work very closely with Legal Aid Ontario, the judiciary and its stakeholders to ensure seamless services are available to families experiencing a relationship breakdown. MIP, IRC and mediation services will be available to litigants in both the Superior Court of Justice and Ontario Court of Justice. In jurisdictions where the two courts are not located in the same building, the logistics of where and when the services will be provided will be determined after consulting with both courts and assessing the availability of space.

With the expansion of mediation and information services, all families in Ontario will now have access to the same opportunities to access supportive resources, reach meaningful resolutions more quickly and move forward with their lives.

If you think you might be interested in submitting a proposal and want more information about government procurement policies and practices, please refer to the Ontario Government's [Supply Chain Management website](#). On the website, you'll find useful [reference material](#), including a detailed brochure and presentation on How to do Business with the Ontario Government, as well as a presentation on MERX and its features. On the [Events and Seminars](#) page you'll find a schedule of upcoming seminars provided by Supply Chain Management Division on government procurement.

MESSAGE FROM THE PRESIDENT

by Justice Craig Perkins

AFCC Ontario Chapter has just completed its second calendar year of existence, and what a great year it has been! We've grown to 256 members, the second largest AFCC chapter (after California, with its 30 million people!). We've operated or cosponsored programs in many locations around Ontario. We've run a terrific annual conference that was both well received by those attending and a financial success. And we have the best board of directors and volunteers anywhere!

A heartfelt thank you to the many members who have worked so hard and so well to make our chapter initiatives and joint ventures such a resounding success. But an especially warm thanks to our dear patti cross, our founding inspiration, our first president, without whose tireless and tenacious energy, drive, skills and vision none of this would have happened.

What lies ahead? Even more sparkling education and networking opportunities in different communities. We're getting into outreach programs and partnering with other organizations across Ontario, starting with Barrie and Ottawa.

Save the date -- October 21 2011 -- for our annual education program and general members' meeting in Toronto. This year our conference features Bruce Perry M.D., Ph.D., Senior Fellow of The Child Trauma Academy (Houston) and Adjunct Professor of Psychiatry and Behavioural Sciences at Northwestern University (Chicago). He is a clinician and researcher in children's mental health and neuroscience, an internationally recognized authority on children in crisis, and by all accounts an inspirational speaker who brings knowledge, vision and passion to his fields. We're lucky enough to have him with us for an entire day and he will play a central role in our annual conference. This will be a great opportunity to learn from and dialogue with a renowned expert.

We'll continue our initiatives in training lawyers to act for parents in child protection cases. We're joining with the Advocates' Society to work on guidelines to help judges who meet with children involved in custody and access cases. We'll contribute to the Law Commission's projects on family law and process.

This year, as election winds begin to blow at Queen's Park and on Parliament Hill, there may be opportunities to advance a cause near and dear to our hearts, something we at AFCC Ontario have been

calling the Ideal Family Court. This family court would have comprehensive (unified) jurisdiction over all separation, divorce and child protection cases and would have direct access to mediation, parent education and other community resources. The Attorney General of Ontario has already secured the mediation and information program resources for every part of Ontario. We at AFCC Ontario are actively working with other organizations to persuade the federal and provincial governments the time has finally come, after more than 30 years, to put into place the legal and program reforms needed to make the Ideal Family Court a reality everywhere in Ontario.

Please join with us in this exciting year to advance our initiatives!

At the AFCC, Ontario, we continue to strive to make a difference in families lives. But, we also hope that we are making a difference in your professional life. If you have any suggestions about how to improve the Chapter, we're always ready to listen. Please contact us at: afcc.ontario@gmail.com.

BALA AWARD ANNOUNCEMENT

This is the Second Annual Award that AFCC Ontario gives out for, *The Nicholas Bala Award For Excellence in Children and the Law*. This year's \$1000.00 award winner is: Ambreen Walji who is studying social work and law at the University of Windsor. Her paper was titled:: Policy Evaluation: Alberta's Protection Against Family Violence Act (PAFVA).

Congratulations Ambreen and we look forward to seeing you at our Third Annual AFCC Ontario Conference in the Fall, 2011.

For those of you who may know a student in law or social work or a combination of both please remember that each year AFCC Ontario awards a scholarship of \$1000.00 in honour of Professor Nicholas Bala. Next year's deadline for the award is **January, 2012** (see AFCC website for details).

**Second Annual Award in Memory of First Canadian AFCC President
Tony VanDuzer**

The John E. VanDuzer Scholarship Award for Family Law was created in 2009 in memory of Judge John E. VanDuzer, the first Canadian President of the AFCC. Judge VanDuzer was a pioneer in the reform of family courts in Ontario and one of the founding judges of the Unified Family Court in Hamilton. The Award seeks to promote family law scholarship by offering a prize each year for the best paper on a family law subject by an Ontario law student.

The second winner of the John E. VanDuzer Scholarship Award for Family Law was chosen recently. The Award committee, consisting of Madam Justice Mary Lou Benotto, Professor Rollie Thompson of Dalhousie University and Hamilton lawyer Pat Mackesy, selected a paper by Sarah Whitmore, written while she was a JD student at Osgoode Hall Law School. Sarah's paper, "Deconstructing 'Economic Man's' Application to Marriage Agreements: An Analysis of Contractual Enforcement in *Hartshorne v. Hartshorne*," critiques the Supreme Court of Canada's approach to the interpretation and enforcement of domestic contracts. She argues that that the Court inappropriately treats domestic contracts as if they were commercial agreements. Sarah's paper was published in the Canadian Family Law Quarterly. The first winner of the award, Noel Semple, is now pursuing doctoral studies in family law at Osgoode Hall Law School.

AFCC ONTARIO INITIATIVES

SPECIAL EVENT NOTICE:

On Thursday, February 24, 2011, from 9:00 a.m. to 4:00 p.m. prominent Canadian parenting capacity assessor Dr. Terry Pezzot-Pearce will be training on parenting capacity assessments. This event will be held at the offices of the Children's Aid Society of Toronto, 30 Isabella St., 7th Floor. The cost of this session will be \$150, plus H.S.T. (\$169.50). To register please make your cheque payable to AFCC (Ontario Chapter) and send them to: Anthony Macri, C.A.S.T., 30 Isabella St., Toronto, ON, M4Y 1N1.

If you know anyone who would find this information of interest, please forward it.

Do not miss this exciting event

PLEASE HOLD DATE!!!

On Friday, October 21, 2010 the AFCCO will be holding its Annual General Meeting. The featured speaker will be Dr. Bruce Perry.

Information about Dr. Perry can be found at:

http://www.childtrauma.org/images/stories/bios/perry_bio_10.pdf

AFCC 48th Annual Conference

Research, Policy and Practice in Family Courts: What's Gender Got to do with it?

June 1-4, 2011

Hilton Orlando Bonnet Creek Resort

Orlando, Florida www.afccnet.org/conferences/afcc_conferences.asp

The link will take you to the AFCC Conferences page, which has links to conference related information such as the brochure, registration, hotel reservations and the scholarship application.

AFCCO Members Involved In Many Different Initiatives/Presentations

http://www.afccny.org/Syracuse_Conference.html

Children's participation in family decision-making post separation has been a topic of discussion and debate in the last several years. Some of our AFCC Ontario members will be exploring this issue from a practice and research perspective in Syracuse, New York at the AFCC New York Chapter Conference on April 1-2, 2011.

In the past year, AFCC Ontario has been involved in many law reform initiatives aimed at transforming the delivery of parent education, court services and alternative dispute resolution services in Ontario. In keeping with the AFCC mandate, our influence has been in demonstrating that family breakdown is a problem that finds its solutions from the collaborative efforts of judges, lawyers, psychologists, social workers, mediators and many other supportive professionals. Many AFCC(O) board members have been actively engaged in advocating for change and providing advice to the Attorney General on recommended changes to the system of Family law in Ontario. By offering advice to the Attorney General through his Expert Advisory Committees, consulting with the Law Commission of Ontario regarding its research and recommendations for changes to the existing system, participating in the Home Court Advantage Family law summit and many other committee meetings and reports, AFCC(O) is committed to improving the experience of children and parents experiencing separation and divorce.

OUTREACH COMMITTEE: Chaired by Deborah Moskovitch

The AFCCO Outreach committee – Deborah Moskovitch, Linda Popielarczyk, Steven Benmor, Dena Moyal and Linda Chodos, have developed a multidisciplinary education package that can be used as a networking program for professionals in areas outside of the GTA. This event package is called “**An Evening of Film, Wine & Discussion of Family Law Dilemmas**”. It was developed as a tool to provide some assistance in organizing a networking opportunity for the professionals in your area, and contains discussion points and a script on variety of topics that may be of interest to your regional colleagues.

The topics for discussion include:

- Issues with Children’s Evidence
- Parent Alienation
- Parenting Coordination
- Telling the Children About Divorce.

This effortless program is packaged to provide a facilitator with unlimited opportunities to share with colleagues. The package also includes DVD movie clips supporting the points highlighted within each topic, including an introduction about AFCC Ontario. For more information or if you would like to host an event in your region, please contact Deborah Moskovitch at deborah@thesmartdivorce.com

To hear more about the Committees and Task Forces and how you can contribute, please contact: afccontario@gmail.com.

UPDATE FROM THE NORTH

ADR Continues to Expand in the North

After a successful initiative in Thunder Bay and Sault Ste. Marie where nine family mediators were accredited and went on to obtain their child protection mediator designation, a second grant was provided by The Child Welfare Secretariat to provide training in mediation in Sudbury, North Bay, Parry Sound and Manitoulin Island. In May and June, 2010, 80 hours of courses were offered to about 20 participants. Of this group, 8 were selected to continue on to the supervised practice component of the training. Kathleen Chapman and I once again had the opportunity to spend another winter in Ontario’s north, providing supervision and working to build capacity for ADR. It is hoped that five mediators will received their accreditation as family mediators in February, 2011 and will go on to take the child protection mediation course in early March, 2011.

These northern mediators are made up of professionals from the different geographic regions. They come from a variety of academic and professional backgrounds including law, mental health, and education. Three are bilingual. One is aboriginal. All have made a huge commitment to the training process, often at the expense of their professional practices and personal time. They are committed to building capacity for ADR in the north.

These initiatives in the north have been about building capacity in ADR. There was a need for there to be accredited family mediators in the north who could provide supervision and mentorship opportunities to future generations of family mediators and in turn, child protection mediators. These grants also provided opportunity for training in family group conferencing. However, on a larger scale, this funding was about increasing opportunities and choices for families in the court and child protection systems. The option for ADR was not available in most northern communities. With the Ministry of the Attorney General's recent announcement that family mediation services will be expanded across the province by the summer of 2011, these initiatives have helped to prepare the communities for these new exciting programs.

Maggie Hall, MSW, RSW, LLM, AccFM (OAFM), CPMed

Toronto Children's Aid Society to Relocate and Combine its North and West Offices

After examining a number of options, the Board of Directors of CAST recently decided to lease space to be developed by Igerman Limited, at 1100 Sheppard Ave. West, current site of Idomo Furniture with an anticipated move date of April 2012.

RECENT RECONFIGURATIONS OF THE CHILD WELFARE SECTOR IN ONTARIO Commission to Promote Sustainable Child Welfare

On October 5, 2010, Huron Perth CAS took the unprecedented decision to wind down its operations. The agency, geographically located in the Stratford area, offers service to 200 children in care and over 400 families. It had operated on a budget of approximately \$17.5 million and was dealing with a deficit of \$1.3 million this fiscal year and carrying forward an accumulated debt from previous years in the amount of \$870,000.

Approximately 8 Children Aid Society's in Ontario are facing funding shortfalls in the range of 5-18% this year and the sector as a whole is carrying forward an accumulated debt from previous years in the amount of \$40 million.

On October 13, 2010, Minister of Children and Youth Services Laurel Broten appointed Vince Tedesco as Supervisor on an interim basis, to operate and manage HPCAS. Mr. Tedesco is the Regional Director of Operations for the Ministry's Central West Regional Office. With this decision, the Executive Director and Board were immediately relinquished of their responsibilities. All 125 staff were issued lay-off/termination notices on October 15, 2010. Taking over a CAS is not a step a government takes lightly. However, the government felt they needed to take this action when Huron Perth announced it could no longer provide child protection services.

Minister Laurel Broten has appointed a new Supervisor to operate and manage the Huron Perth CAS effective January 17, 2011. Larry Marshall, currently the Associate Executive Director of the Children's Aid Society of London-Middlesex, takes over from Vince Tedesco who was appointed as Supervisor on an interim basis in October 2010. Mr. Tedesco will resume his duties as the Regional Director for the Ministry's Central West Region

Commission to Promote Sustainable Child Welfare

There are four tiers to the Commission's strategy, each one building on the other:

1. reconfiguration of CAS structures; 2. a new funding approach; 3. a new way of holding CASs to account; and 4. reducing administrative obstacles and streamlining processes.

As part of Tier 1, On October 12, 2010, Children's Aid Societies in Ontario received communication from the Commission, regarding the reconfiguration of the child welfare system and the process to voluntarily explore agency mergers.

- 13 CASs were requested to explore merging; including four which have already begun this process independently
- 3 CASs received letters indicating they will be impacted by this process and further discussions will occur
- 3 CASs did not receive letters requesting they merge but are adjacent to CASs which received such letters and thus may be impacted
- 35 CASs were not asked to consider merging (including two non-member agencies of the OACAS and all Aboriginal CASs)

These indeed are troubling times and the child welfare sector as a whole will be facing many challenges as we adapt to challenges on the horizon.

Agencies that received requests to explore mergers have asked that this information remain confidential for the time being, until staff and community partners can be properly notified

The Commission states the objective of the requests to explore mergers, is to strengthen and increase the sustainability of Ontario's child welfare system by:

1. Improving service quality
2. Improving accessibility
3. Increasing affordability

The Commission states the intent of each merger is to create a new organization, not have one CAS "take over" another CAS. The Commission notes that a number of areas need to be considered when exploring mergers, including:

1. Historical debt of merging organizations
2. One-time costs associated with human resource transitions
3. Professional support for planning
4. Legal and change management processes
5. Integrating IT systems

In Early 2011, merger proposals are to be submitted to the Commission for approval.

For more information on the Commission go to:

<http://www.sustainingchildwelfare.ca/the-commissions-work>

AFCC Ontario's very own: Deborah Moskovitch

The Smart Divorce Radio Show

For immediate release

Divorce Source Radio Helps Listeners Get Smart About Divorce

CITY, State __ February 11, 2011 __ With the launch of the live radio show, The Smart Divorce, on Divorce Source Radio, anyone contemplating, going through a divorce, or already divorced now has access to advice from North America's leading family lawyers, judges, parenting experts, and mental health professionals -- providing the opportunity to save your sanity, and hundreds, even thousands, of dollars on expert advice.

Hosted by Deborah Moskovitch, Divorce educator, consultant and author of The Smart Divorce, and Divorce Source Radio co-host Steve Peck, this dynamic duo offers valuable insights, guidance and advice about all aspects of divorce.

Ms. Moskovitch, went through a painful seven year divorce process that triggered her own career path to consulting with North America's leading divorce experts, and publishing The Smart Divorce (Chicago Review Press, 2007). This optimistic and enlightening show includes interviews with the top divorce professionals across North America and covers divorce from the trenches to the Benches -- helping listeners to manage the divorce process in a smarter, healthier way to create a better life post divorce.

Co-host Steve Peck, and founder of Divorce Source Radio shares his personal experiences and has an innate ability to pick up on and address the needs of his listeners while providing a lively, entertaining show. To listen to The Smart Divorce on Divorce Source Radio go to <http://www.DivorceSourceRadio.com> or go to the iTunes store and search Divorce Source Radio for free streaming audio.

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**Family Matters:
Justice Harvey Brownstone's new online TV talk show**

Justice Brownstone's new online TV talk show, "Family Matters", has now been launched. You can see the first episodes at www.familymatterstv.com. Six more episodes will be filmed in Victoria during the National Family Law Conference. These shows will take public legal education to a new dimension. The show topics that have been filmed so far are:

The fundamentals of child support;
When does a child need a lawyer?;
What is a "smart divorce"?;
Mediation;
Collaborative Law;
Child Protection;
Prenups;
Elder Abuse; and
How to Get the Most out of your Family Law Lawyer;

Six more episodes will be filmed in the fall, including:

Spousal Support;
Case management;
Same sex parenting;
Mental health and parenting;
Access; and
Adoptions (in particular, Open Adoptions)

Justice Brownstone is making no money from this show, but instead has directed the production company to forward 25% of the profits to the Children's Wish Foundation.

This is a great resource and highly recommended. Go to www.familymatterstv.com You won't want to miss it!