



# Spring 2019 Newsletter

Issue 21, April 2019

## President’s Message

By now we all know a great deal about the fire that ravaged much of Notre Dame Cathedral in Paris on April 15. When I first heard word of it, I felt tears sting at my eyes, but I was quick to dismiss those. Sure, I love architecture and art (with a particular and stubborn fondness for the gothic), and religious structures and symbols have a strong resonance for me — but tears, over a building? As I read more news over the following days, though, I discovered that my own natural reaction to the tragedy was one shared by many people. Multitudes of individuals from around the world, from many different religious and cultural backgrounds, were deeply saddened by the burning of this ancient building. Yet as a counterpoint, it seems there was also a collective feeling of great relief on account of the fact that, first, no one was killed in the blaze and, second, that much of Notre Dame’s structure and much of its valuable art and artefacts had been, rather miraculously, spared from destruction. Perhaps rounding out the shared feelings as described in the news was a sense of disappointment bordering on anger that (as we later learned) Notre Dame had needed attention and repair for a long time, but had been neglected (presumably on account of “more urgent priorities”). Yet this feeling too seemed to be leavened by shared feelings of hope, pride, and gratitude on account of the immediate and generous commitment from people around the globe to assist in what will be the hard work of Notre Dame’s rebuilding, repair, and restoration.

Of course, this type of alternation of points and counterpoints of strong feelings, painful aspects followed by joyful ones, despair assuaged by tentative hope, is — at the micro level — really just the stuff of life, isn’t it? Individuals tend to feel that way “naturally” about matters affecting themselves, their own homes, jobs, family members, etc. Equally though, for many if not indeed most people, these types of strong feelings “naturally” tend to diminish quite rapidly as we cross the boundary away from what is “mine” and move into what is “yours”; from “self” to “other”. The Notre Dame fire and its sequelae showed us so many people sharing very strong feelings about a disastrous event that does not (at least for the vast majority of people) directly affect them as much as events in their own lives or in those of their family members. I think that one of many lessons we can glean from this is that when people share a view of something as being sufficiently precious, beautiful, or worthy, they can rise above the dividing line between “me” and “you”, “us” and “them”, “self” and “other” in both feeling and in action. This allows people to really care for, and take care of what needs to be done in the situation to ameliorate the problem.

In a similar way, I think that one of the most important things that our AFCC-O community shares is a sense of the preciousness, of the intrinsic and acute importance, of the children whose lives are somehow touched by the family justice system. There is a natural inclination among AFCC-O members to want to help and to do their best for those children affected by a separation, divorce, or child protection matter.

*...continued on page 2*

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## President's Message - continued



If pressed, I would probably single out those feelings and inclinations as being the key common element uniting our AFCC-O membership. And then we set to work both individually and together, each approaching the problem from our respective professional disciplines, to try to improve the outcomes for those children, whom we know to be so precious and worthy of care and protection. These types of feelings and inclinations and efforts go far beyond the “self” and venture deeply into “other” territory — for these are not, strictly speaking, “our own” children. All of that is probably what makes me most proud to be a member of this organization.

And yet it seems to me, too, that we are now being called upon to become even more vigilant, to do even more for these children. The strain and stress felt throughout the world and upon families seems to be increasing with each year, and yet the family justice system is being deprived of resources in various dimensions. Its structure or architecture is in need of repair, but little in the way of help and resources is forthcoming. When what is needed now is “more”, what is being offered by the powers that be is, in many ways, “less”. So it would seem that it falls to us, both individually and collectively, to recognize clearly what needs to be done and then to take the necessary steps to take care of it — hopefully before a tragedy strikes. I do have faith that we can rise to the occasion, because I know that we possess what is necessary: a keen sense of the preciousness of children and families; the knowledge that the situation has become quite grave; and, critically, the will and the skills to do what is necessary to solve the problem. The necessary work will take many hands, so let us hope that many will join us.

- Brian Burke, AFCC-O President

### Attend our Annual Conference in Hamilton, ON, on October 17 and 18, 2019!

Visit our **2019 AFCC-O Annual Conference** webpage for conference session details and to download a conference brochure:

[www.afccontario.ca/2019-afcco-annual-conference/](http://www.afccontario.ca/2019-afcco-annual-conference/)

While in Hamilton, please set aside some extra time to sightsee...

Take advantage of discounted hotel rates for conference attendees



Dundas Valley



Tiffany Falls

### Pre-conference Events - October 17, 2019

**Location: Sheraton Hotel, 116 King St. W., Hamilton, ON**

**2:30 - 4:00 p.m. Hindsight 20/20 - An Interdisciplinary Reflection**

An opportunity to draw on the insights and experience of multidisciplinary professionals from the bench, the bar and mental health fields.

**4:00 - 6:00 p.m. AFCC Ontario Chapter Social Reception**

Complimentary appetizers and one drink ticket

### SPONSORSHIP & DISPLAY TABLE OPPORTUNITIES

**Gold \$2,000**

**Silver \$1,500**

**Bronze \$750**

**Supporter \$200**

**Display Table \$250**

[Download Sponsorship Information](#)

**Contact Michelle Hayes** for conference or sponsorship information at [mhayes@afccontario.ca](mailto:mhayes@afccontario.ca) or call (905)667-1999

# AFCC-O 11th AGM & Annual Conference, “Changing the Landscape of Family Law” - October 18, 2019

**Location: Liuna Station, 360 James Street North, Hamilton, ON**

**Keynote Speaker: Steven Bradley, Our Family Wizard**



## **The Interaction of Technology & Family Law**

As family law, mental health, and legal professionals, we know that offenders use whatever means available to abuse, harass, stalk, and monitor victims. Today's technology has provided offenders with tools to accomplish these tasks without having to leave the safety of their homes. In this interactive workshop, Steven Bradley will explore the risks and benefits of technology for victims and professionals alike. Attendees will learn safety planning and evidence collection strategies for phone technology, location apps, social media, and more. Non-technical language will be used to describe the privacy levels of each area and how to safely navigate the world of technology.

**Morning Breakout Sessions:** (choose 1 or 2)

### **1. Family Violence and Divorce: Does the New Divorce Act Do the Job?**

Pamela Cross, Legal Director, Luke's Place

### **2. Extending Property Rights to Unmarried Separating Couples**

Robert Leckey, Dean, McGill Law School; Joanna Radbord, Partner, Martha McCarthy and Co.; and Robert Shawyer, Shawyer Family Law and Mediation

**Special Plenary Sessions:**

### **AFCC Ontario Parenting Plan Guidelines**

Nicholas Bala, Professor, Queen's University and  
Brian Burke, AFCC-O President

### **Changes to the Family Law Rules - Expert Testimony**

Lauren Bale, Partner, Hughes & Bale LLP; and the Honourable Justice Kendra Coats, SCJ

**Afternoon Breakout Sessions:** (choose 3 or 4)

### **3. Respecting and Protecting Transgender Children in Canada's Family Courts**

Claire Houston, Professor, Western University

### **4. Research & Knowledge Dissemination for Child Protection Involving High Conflict Parental Separation**

Dr. Dan Ashbourne, Executive Director, London Family Court Clinic;  
Dr. Rachel Birnbaum, Professor, King's University College, Western University; Dr. Deb Goodman, Director, Child Welfare Institute, CAS Toronto; and Katherine Kavassalis, Legal Director, Office of the Children's Lawyer

**Closing Session: Reflections From The Bench**

**AFCC-O offers a scholarship to attend our Annual Conference**

Applications are due no later than May 15, 2019, for details visit

[www.afccontario.ca/afcc-conference-scholarships/](http://www.afccontario.ca/afcc-conference-scholarships/)



*Websters Falls*

**Registration Opens in May!**

#### **October 17:**

Pre-conference & Reception \$75.00

Social Reception only \$25.00

#### **October 18:**

**Early Bird Rates to July 31st:**

AFCC-O Member \$195.00

Non-member \$250.00

**August 1 to October 17:**

AFCC-O member \$250.00

Non-member \$295.00

Student, Presenter, or Retiree \$150.00

**Online registration will be accessible from our conference webpage at**

[www.afccontario.ca/2019-afcco-annual-conference/](http://www.afccontario.ca/2019-afcco-annual-conference/)

## Walsh Family Law Moot & Negotiation Competition



Save the date for  
next year!  
**March 7, 2020**



Steve Benmor

**A special  
thanks to our  
many Walsh  
event  
volunteers!**



L-R Elizabeth Hyde, Tami Moscoe,  
Jennifer Suzor

**The Annual Walsh Family Law Moot and Negotiation Competition** was held at the Court of Appeal (Osgoode Hall), and the Law Society of Ontario on March 9, 2019. The Walsh Family Law Moot is a competitive moot for 2nd and 3rd year law students. Each competing law school sent two teams to argue for a case before a panel of judges and senior lawyers. The Walsh Family Law Negotiation Competition is a competition for 2nd and 3rd year law students. Working in teams of two, using facts for each partner in a family law dispute, the law students negotiate with opposing teams in three successive rounds of increasing complexity.

At this year's Awards Luncheon, AFCC-O recognized four key volunteers for their commitment of hundreds of hours of time to the growth and development of this signature event. Steve Benmor was the Chair of the moot for its first six years, Elizabeth Hyde and Tami Moscoe were Co-chairs of the negotiation competition since its inception, and Jennifer Suzor did an incredible job obtaining sponsorship funds for the Walsh Event as well as for AFCC-O conferences over the years.

The AFCC-O recognizes the importance of assisting our future Ontario lawyers by offering them the opportunity to collaborate with our diverse membership of lawyers, mental health professionals, judges, and other professionals who support families going through separation and divorce. To recognize and thank law students for their participation in the Walsh Family Law events, the AFCC-O offers a complimentary one year AFCC/AFCC-O membership to participating students.



Justice Philip Clay, OCJ, AFCC-O Board Member and Walsh Committee Chair (2018)

**Visit our Walsh Family Law Events webpage**

**[www.afccontario.ca/walsh-moot/](http://www.afccontario.ca/walsh-moot/) to:**

- find out which teams won in March 2019;
- download Rules and Regulations; and
- read sponsorship information.



## AFCC-O Upcoming Events

**May 3:** AFCC-O and CAS Sudbury/Manitoulin, CYFSA - *A Year Later: Lessons Learned, New Approaches*, a full day of workshops - Sudbury, ON

**May 9:** AFCC-O and Kent Law Assoc., *Mission Impossible: Responses to Difficult Positions* - Chatham, ON

**May 30:** AFCC-O Chapter Reception at AFCC 56th Annual Conference - Toronto, ON

**September 23:** AFCC-O Kingston Group, *Parents with Drug Abuse Problems & the Family Courts* - Kingston, ON

**October 17:** AFCC-O Pre-conference Event, *Hindsight 20/20 - An Interdisciplinary Reflection*; and AFCC-O Evening Chapter social - Hamilton, ON

**October 18:** AFCC-O 11th AGM & Annual Conference, *The Changing Landscape of Family Law* - Hamilton, ON

Check our events calendar at [www.afccontario.ca/calendar/](http://www.afccontario.ca/calendar/)

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AFCC-O members are eligible to receive **discount pricing** to attend our annual conference, seminars, and special events

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## AFCC and AFCC-Ontario Chapter 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 online membership directory of over 4,800 colleagues worldwide (don't forget to log in to the members section of the AFCC website at [www.afccnet.org](http://www.afccnet.org) to update your member profile);
- AFCC eNews monthly electronic newsletter;
- Parenting Coordination listserv of AFCC members; and
- Special member discounts to attend AFCC Conferences, training programs, webinars, and publications.



### DID YOU KNOW...

The AFCC has 21 chapters, only one other in Canada (Alberta), and the AFCC-O is the second largest AFCC chapter to California in terms of membership!

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

[www.afccnet.org/Chapters/JoinaChapter](http://www.afccnet.org/Chapters/JoinaChapter)

**AFCC-O members have access to the "members only" section of our website.**

This section contains presentations from past AFCC-O conferences, as well as links to valuable resources and articles specific for Ontario professionals.

## AFCC-O Member Spotlight

Our Member Spotlight recognizes AFCC-O members throughout Ontario.



**In this issue, we recognize Gwen MacDonald, AccFM, CPMed, AccFM - Family, Elder & Child Protection Mediator based in Sault Ste. Marie.**

Born and raised in Hamilton, Gwen and her husband Ron moved to Sault Ste. Marie as newlyweds, planning to stay about two years. Forty-four years later, Gwen and her large family are proud Northern Ontarians and Gwen is a longstanding and highly respected member of the Algoma ADR community.

Gwen's path to family and child protection mediation began in the corrections field. As young parents, Gwen and Ron began volunteer work through their church, working with young people involved in the corrections system, focusing their efforts on supporting homeless, isolated, and troubled youth as they integrated back into their homes and communities.

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*Gwen found herself challenged with many of the same questions that now confront her as a family and child protection mediator: How can I help families to reunify? How can I help to put people back together again? How can I work with young people and families to help them see the light at the end of the tunnel?*

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After successfully home-schooling her twins through their elementary years, Gwen returned to her work in the legal field as a paralegal. She quickly developed a discomfort with adversarial court processes, sensing that litigants could be better served if they were provided with opportunities to talk through their issues. Gwen began to explore this area further, taking courses in alternative dispute resolution, mediation, and restorative justice. She established herself as the first mediator in Sault Ste. Marie, offering her services in a broad range of disputes. She also became active in a local group working to develop a restorative justice program for youth.

In 2001, Gwen began a 13-year stint as a Hearings Officer in the Superior Court of Justice, providing on-site mediation services for Small Claims Court litigants. A file early on in her career, which involved two "good ol' boys" who owned competing junkyards, taught her that volatile disputants sometimes need to be brought firmly in line by a strong mediator. During a heated joint session, Gwen was startled to find herself slamming her hand down on the mediation table and telling her clients to sit down and shut up. Two hours later, the issue was resolved, the junkyard owners were tearfully apologizing to one another, and Gwen was thanked profusely and swept off for coffee.

In 2009, Gwen began her formal training as a family mediator and was subsequently accredited by the Ontario Association of Family Mediation (OAFM). In 2012, she began working as a mediator with Mediation North, providing on- and off-site family mediation in Sault Ste. Marie and Elliot Lake. Since that time, Gwen has mentored many new mediators in Sault Ste. Marie, some of whom have moved on to positions on the Bench.

*...continued on page 7*

## AFCC-O Member Spotlight - continued

Although she continues to work in family mediation, Gwen's energies are currently focused on her other passion: child protection mediation. Gwen became an accredited child protection mediator in 2010, shortly after this service became broadly available in Ontario. Her interest in this area was sparked by her long history working with vulnerable children, and her strong belief that child protection work must include processes to bring children's voices forward and support them in getting what they need. In 2015, Gwen became the Director of the Child Protection Mediation program at the OAFM. In this role, she maintains the provincial roster of child protection mediators, oversees training, certification, and professional development programs, and participates in initiatives to promote awareness of child protection mediation. She also sits on (and currently chairs) the Provincial ADR Advisory Committee, which acts as a liaison between the provincial child protection ADR sector and the Ministry of Children, Community & Social Services.

Gwen firmly believes that mediation should be presented as an option to all families involved in the court system and that it should be presented right at the outset, before positions become entrenched, conflict intensifies, and family and professional relationships are irreparably harmed. Through the AFCC-O, she has found a community of like-minded peers who share her commitment to bettering the lives of children and families. She has also found a network of contacts who provide her with support and assistance when she needs to consult about a difficult case – something that she has found especially beneficial as a family law professional in a small Northern Ontario community. In addition to attending the annual AFCC-O conferences, Gwen frequently takes advantage of the webinars offered through the AFCC, which allow her to access low-cost, high quality training that is not available in her community.



Carolyn Leach, AFCC-O Board Member and Newsletter Committee

### How to contact Gwen:

**Gwen MacDonald,**  
Director of Child Protection Mediation, OAFM  
[director@cpmed.ca](mailto:director@cpmed.ca)

or through her private practice at:  
[gwen.macmediation@shaw.ca](mailto:gwen.macmediation@shaw.ca)  
(705) 575-3315 or (647) 969-3026

## Categories of AFCC Membership

AFCC offers Individual, Institutional, Retired, Student, and Developing Nations and Indigenous People Memberships.

Visit [www.afccnet.org/Membership/Member-Categories](http://www.afccnet.org/Membership/Member-Categories) for current information and rates.

**Don't forget to add our Ontario Chapter to your membership!**

**If you require assistance with joining or renewing your membership, please contact AFCC at [afcc@afccnet.org](mailto:afcc@afccnet.org) or call 1-608-664-3750 for assistance.**

## AFCC-O Community Programs

### Hold an AFCC-O sponsored event in your community!

The AFCC-O has developed several Community Programs to assist in membership outreach, education and development. They provide local communities of practice, professional associations, and new groups with a creative way to network and learn with and from colleagues in their areas.

We invite you to host an AFCC-O sponsored event. We can connect you with AFCC-O members in your area or provide guidance through a Board or Membership Committee member. Invite AFCC-O members and other professionals in your community to attend. We are able to provide a subsidy and printed resource material for your event.

**Programs currently available include:** Adult Children of Divorce; How to Build a Thriving Practice, Prevent Complaints and Feel Rewarded.

#### Programs we are developing include:

- After-work meetings in a collegial and relaxed atmosphere, where an assembled group of multidisciplinary professionals can discuss various topical issues and initiatives, share insights, and network.;
- An update of the multi-day program in Child Protection Law, in collaboration with the Law Society of Ontario; and
- Webinars have been immensely successful at the AFCC International level, so stay tuned for the launch of the AFCC-O's webinars coming soon.

**For further information on current and developing programs visit our Community Programs webpage at**

[www.afccontario.ca/community-programs](http://www.afccontario.ca/community-programs)

**or contact us via email [info@afccontario.ca](mailto:info@afccontario.ca)**

## Sudbury Child Protection Conference



AFCC-O and the Sudbury and Manitoulin District Children's Aid Society are co-hosting a conference on May 3, 2019 at the Northern Waters Centre in Sudbury, entitled "The

**CYFSA – A Year Later, Lessons Learned, New Approaches."** This conference will examine the significant changes to Ontario's child welfare legislation, with a focus on provisions relating to First Nation, Métis, and Inuit families, the increased importance placed on the views of a child, and new legal tests under the CYFSA with practice tips on advice to give to clients. Participants will learn how alternative dispute resolution options in child protection matters can potentially reduce delay and provide culturally appropriate resolutions for children and families. Gwen MacDonald, director of child protection mediation for OAFM (featured in this newsletter under "Member Spotlight"), will chair the ADR panel.

Marion Jacko, Children's Lawyer for Ontario, will deliver the conference's keynote address. There will be panels composed of judges of the Ontario Court of Justice, senior counsel for Societies throughout the Northeast, including counsel and representatives from the newly devolved First Nation child and family services agencies that serve areas from Manitoulin Island to Hudson Bay. Office of the Children's Lawyer and parents' counsel will participate as will social workers from some of the involved agencies.

This conference is consistent with AFCC-O's plan to forge partnerships with local service providers to facilitate relevant education and best practice discussions throughout our very diverse province. We hope to establish an AFCC-O Working Group in the Northeast (see *AFCC-O Communities of Practice on page 9*).

Visit [www.afccontario.ca/events/cyfsa-a-year-later/](http://www.afccontario.ca/events/cyfsa-a-year-later/)

to obtain an event Flyer/registration Form and an agenda.



Justice Philip Clay, AFCC-O Board Member



## AFCC-O Communities of Practice

Throughout Ontario, the AFCC-O is working with professional groups in different communities. For example, AFCC-O has Standing Sub-groups in Kingston and Southwest Ontario, and High Conflict Forums in Hamilton, London, Toronto, York, and Ottawa. We have traveled to Thunder Bay to meet with professionals working with families in the justice system in Northwestern Ontario. Through our Membership Committee, we are working on development of a webinar schedule and long distance plan to deliver education programs.

**Kingston:** This group regularly hosts meetings, generally a panel representative of the multidisciplinary nature of AFCC-O, followed by audience discussion. The catchment area includes Kingston, Belleville, Perth, Brockville, Cobden and Napanee. Download “Negotiating the Family Justice Maze”, or a Kingston regional resource list of services for separating and divorcing parents. For information on the “AFCC-OK” Working Group, please email [kingstonafcco@gmail.com](mailto:kingstonafcco@gmail.com).

**Southwest Ontario:** Round Table dinner meetings are held quarterly in Windsor for the professionals in the Sarnia, Chatham, Windsor, St. Thomas and London-Middlesex area. These events are organized to reflect current topics such as access to justice, high conflict, and dispute resolution options.

AFCC-O has partnered with Bridging Family Conflict and Jennifer Suzor to deliver these programs. For information on this group contact [jsuzor@familylawspecialist.ca](mailto:jsuzor@familylawspecialist.ca).

**Ottawa Region:** A new group is forming in the Ottawa area. The first event was held Nov. 13, 2018, *High Conflict: Consulting or Court Room?* which included discussions on how the court room and mental health services can collaborate. Anyone who is interested in participating in future events, please email [info@afccontario.ca](mailto:info@afccontario.ca).

**High Conflict Forums:** Many AFCC-O members support the efforts of various High Conflict Forums across the province through dialogue, information sharing, trainings, research, and/or consultations.

**MARK YOUR CALENDAR TO ATTEND!**

Association of Family and Conciliation Courts,  
Ontario Chapter together with the Kent Law  
Association invite you to attend:

### Mission Possible: Responses to Difficult Client Positions



**Thursday, May 9, 2019**  
5:00 to 6:30 p.m.  
**CHATHAM KENT  
PUBLIC LIBRARY**  
130 Queen Street,  
Chatham, Ontario N7M 2S6  
Registration fee: \$15.00

Register no later than  
Tuesday, May 7th

Cheques payable to:  
Kent Law Association  
425 Laurel Ave. W., Room 402  
Chatham, ON N7M 0B9  
[kentlaw@afccocwa.com](mailto:kentlaw@afccocwa.com)

This program contains 30  
accredited minutes of  
Professionalism Content.  
This program also  
qualifies for a further 1  
hour of Substantive  
Content.

For practitioners within the family  
justice and child protection systems,  
knowing the “how” is merely half the  
battle. Helping clients to move away  
from what they want and towards what  
they and their children need can be the  
more challenging task. There is often a  
tension between supporting our clients  
and providing sound advice. However,  
we achieve our best advice when  
allegiance, kin and the Society devise  
reasonable, realistic and child-focused  
plans for placement and access. This  
session will focus on the difficult  
conversations we may need to have  
before our clients can engage in  
meaningful dispute resolution.

**Keynote Speaker:**  
Andrea Meehl, LL.B.  
JENK: ACJFB &  
CPMed (D4FW)

**Commentaries  
from:**  
Dr. Dan Ambrosino,  
C. Psych, Executive  
Director LFCC; and  
Justice Gerrit L. Wong,  
Ontario Court of  
Justice Chatham

**Co-moderators:**  
Justin Foster, LL.B. and  
Maggie Vicente, LL.B.

For further information on currently  
offered community programs, visit our  
Events Calendar at:

[www.afccontario.ca/calendar/](http://www.afccontario.ca/calendar/)

For *Mission Possible: Responses to Difficult  
Client Positions*, Chatham event, May 9 visit:  
[www.afccontario.ca/events/chatham/](http://www.afccontario.ca/events/chatham/)



To borrow  
**Adult Children of Divorce Program,**  
email: [info@afccontario.ca](mailto:info@afccontario.ca)

## Meeting and Interviewing Children

**In April of this year, Debra Rodrigues, Dr. Dan Ashbourne, and Dr. Kim Harris presented a comprehensive three-day training entitled “Meeting and Interviewing Children for ADR”.**

The three trainers have extensive experience working with children and families involved with the family and child protection legal systems.

The UN Convention on the Rights of the Child, to which Canada is a signatory, underscores that hearing from children is not just something that is respectful of children or that enhances decision-making; children have a right to be given an opportunity to express their views in all matters affecting them, and to have those views given due weight in accordance with their age and maturity. Ontario’s new *Child, Youth and Family Services Act, 2017*, which came into force on April 30, 2018, entrenches this right in child protection matters, requiring that all decisions that are made “in a child’s best interest” include consideration of “the child’s views and wishes, given due weight in accordance with the child’s age and maturity, unless they cannot be ascertained”. Finally, there is a growing awareness among family law professionals that children’s

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**This training program will next be offered in the Greater Toronto Area September 19 to 21, 2019. For future dates, location, and registration, please contact [drodrigues@pccs.ca](mailto:drodrigues@pccs.ca)**

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participation in family law decision-making needs to be better enabled and supported.

From our perspective, a key barrier to children’s involvement in family law and child protection processes has been a lack of training for professionals on how best to include children. To this end, Debra Rodrigues initiated and prepared training that not only teaches interview skills but provides a thorough framework from which to complete the process of obtaining the Voice of the Child for ADR processes. She developed a 12-step Voice of the Child Report (VCR) process to teach professionals how to bring children’s voices into ADR processes, including mediation, collaborative law, parenting coordination, Family Group Conferences, etc. Indeed, the participants in our training reflected this broad range of professional

experience and, as a result, we had enriched discussions regarding the many challenging topics associated with this work.

Dr. Rachel Birnbaum was our guest speaker on the first day and she provided an academic perspective on the issue by sharing her



Ontario-based research on the Voice of the Child. On the third day, Carolyn Leach joined the training team, offering insights and practical interviewing techniques from the perspective of child’s counsel.

Our belief is that family law professionals working directly with children must have a solid understanding of children’s development, how children are impacted by separation and divorce, and the steps we can teach to parents to support their children through this difficult transition. We discussed other ways that children can be supported when their parents’ capacity to attend to the needs of their children is diminished by the issues of separation and divorce. As such, the first segments of our workshop focused on these topics, and Dr. Dan Ashbourne and Dr. Kim Harris provided information about children’s development across the social, emotional, cognitive, and language areas. They discussed how these developmental changes must be evaluated in order to develop good interview techniques for children (including young children) as well as how to adjust them for children with special needs.

We then moved to the actual process of meeting and interviewing children, beginning with a discussion of both the benefits and the risks of including children in the process. This discussion informed two critical aspects of the process, which we then explored in detail: assessing parental readiness to hear from children, and techniques for meeting with and interviewing children. Parental readiness is an essential, often overlooked aspect of the process and requires careful consideration.

In our view, meetings and interviews with children must be approached from the perspective that children should fully understand the purpose of the meeting or interview, what will happen to the information they

...continued on page 11

## Meeting and Interviewing Children-continued

share, and how it may or may not form part of the decision-making process. They should retain control over their participation and the information to be shared by being offered a fully confidential process (subject to the professional's duty to report child abuse). We also focused on interview techniques that yield information from children that is rich in detail and most accurately reflective of a child's true views.

The workshop included a practical framework for professionals to use involving the 12-Step VCR file management system, suggested templates for contracts, intake forms, consent forms, and the report. We developed best practice guidelines for the VCR and for interviewing children. As well, a completed sample of the

VCR and a recorded demonstration are being prepared and will be distributed to all participants.

After three long days of active discussion and learning, the participants reported that they learned valuable information, very much appreciated the 12-step system, and their feedback about the training was quite positive. One participant emailed back the next business day to say she had already applied the skills she learned in an interview with a child that morning.



Dr. Dan Ashbourne



Dr. Kimberly Harris



Debra Rodrigues

## Footnotes From The Other Side...

**As we go about our busy lives, we sometimes forget to “stop and smell the roses” so to speak.** Our daily lives are filled commuting between work, home and family responsibilities, keeping up on local and worldly news, answering dozens of emails, and check our social media accounts, all of which leaves even less time to eat well and exercise to stay healthy.

Juggling all of these responsibilities on top of the stress of moving through a separation and divorce is emotionally and financially draining for most parents. Not all relationships end in amicable separations, and for those that are unable (for various reasons) to resolve their differences through ADR processes, a high conflict court process can sometimes cause additional stress on an already decomposing parenting relationship that becomes overwhelming to most. Having to look for a new home, worry about the emotional and physical adaptation for ourselves and our children, surviving financially and the unknown of how to manage these changes can bring out Post Traumatic Stress Syndrome symptoms that, without a good support system, can last years. Maintaining ones' focus of being a good parent and helping our children to cope with transitional changes at the same time as handling all of these added tasks and responsibilities can be exasperating!

AFCC-O's objective is to improve families' experiences going through the process of separation and divorce, through whatever option they choose to arrive at an Agreement. The emphasis is on resolving conflict in children's best interests.

### Empathy is the key to providing the most help!

Family law professionals focused on providing services to assist parents can hopefully recognize the importance of ensuring the separating parent “caregivers” of children also have a solid line of support. Support groups, personal therapy, parenting through separation coaching, family and friends are all extremely important support for parents so they are able to replenish their positive energy and look after themselves, so they in turn can act in their children's best interests.



Kimberly Brown, AFCC-O Administrator

Please refer to [AFCC-O Resources webpages](#) for listings of Ontario-based support services under the following categories:

Parents & Children, Mediation & Counsellors/Therapists, Community Resources, High Conflict Forums in Ontario, Child and Spousal Support Information, Court and Legal Services, Alcohol & Drug Abuse Treatment, Other Government Resources and Info, Legislation.

If you have a new and valuable resource to add to our website, please email us at: [info@afccontario.ca](mailto:info@afccontario.ca)

## Community Corner: The Peel Parenting Collective's Story

Canada has witnessed ethnic shifts in migration, with 6,264,800 immigrants identifying themselves as a member of a visible minority group (2011 National Household Survey). Of this demographic, 65.1% were born outside of Canada. The Region of Peel is one of the most diverse ethno-cultural populations in Ontario, with a steady flow of newcomers. This reality underlines the need for inclusive community development and for all services to be culturally appropriate. New family models have emerged in Canada and parenting is evolving due to social change and diverse cultural norms around parenting practices. This diversity and change justified the need for developing educational resources as preventive measures, and socio-legal support in the community, in consultation with community members with lived experience.



Collective Impact is a framework used by many community leaders who, together, are working on impacting systems to enhance community change. The Peel Parenting Collective (PPC) used the Collective Impact framework to work with community stakeholders, including parents, to develop innovative solutions to reduce parental stress. PPC's goal was to increase healthy family relationships through improved positive communication skills and increased access to credible, consistent, and trusted parenting information and supports.

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### The Region of Peel is one of the most diverse ethno-cultural populations in Ontario with a steady flow of newcomers

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The PPC began through community conversations and envisioning a half-day gathering designed as a "Community Conversation" to examine local parenting research, discuss new regional service maps, and explore new and different ways for agencies to provide parenting education and to work together. The interest and participation in the "Community Conversation" solidified the idea that there was an interest and need in Peel for the PPC to move the conversation forward. It strove to continue the community efforts to move "from fragmented action and results" to "collective action and deep and durable impact," (Collective Impact framework, by John Kania and Mark Kramer, Stanford Social Innovation Review 2011).

Over a six year period, PPC grew from a five member Steering Committee to a collective of 26 member organizations spanning a variety of sectors, including social service, health, education, law (private/corporate), government, and peer-to-peer community based groups.

PPC launched into a local research project and published "[Understanding Family Communication and Information Access Among Peel Families](#)." The research solidified PPC's understanding that children and youth are dependent on a loving, positive, knowledgeable, and supportive family environment to thrive, and parents, caregivers, and adult allies play a critical role in the overall development and emotional resilience of their children. High levels of stress experienced by parents and present in families can be an impediment to families thriving. This research also provided the growing PPC with direction for collective action using Human-Centred Design.

*...continued on page 13*



## Community Corner - continued



The PPC created a tool to support the PPC members in sharing common and consistent messages regarding positive family communication with their clientele. The pilot intervention projects, which included the “[Have a Conversation](#)” poster, the development of a PPC website, the PPC Digest, and a PPC Facebook account, provided PPC members with common and consistent tools to share positive family communication messages within their organizations and agencies, and measure the impact through a shared measurement tool.

Data was gathered and a report was written that included amazing results and impactful learnings. PPC members worked together, taking advantage of each partner’s expertise and role in the community, to share evidence-based common and consistent messages within the community. Together, PPC helped build thriving families.

Key learnings from the PPC’s experimental and innovative process to an integrated and collaborative approach included:

- consistent messages being shared in effective, innovative, and relevant ways to diverse audiences on varied platforms;
- breaking down silos, and a collective agreement to work towards one goal to decrease parental stress and improve family relationships;
- being sensitive to the needs of many stakeholders by involving them in each step of the process, using human-centered design; and
- members learning from each other by looking over each other’s fences and sharing ideas and best practices.

The PPC hit a roadblock in 2017 due to lack of funding. Other collectives in the Region of Peel were also experiencing the same dilemma. As of today, there are no known collaborative groups using the collective impact framework in Peel.

The PPC is currently refocusing its efforts and has become a Networking and Professional Development Group, and is eager to continue to sharing ideas to learn from each other and to continue to help families thrive. Hopefully, the PPC experiment will go down in regional history as a revolutionary effort that built cross-sector collaboration to tackle complex parenting challenges.



### Archana Medhekar,

Certified Family Law Specialist and Family Mediator practicing in

Toronto, Ontario. You can reach her by e-mail at [amlaw@amlaw.ca](mailto:amlaw@amlaw.ca). Archana was a member of PPC and is a current AFCC-O Board Member and Newsletter Committee member



Diane Myers is a proud parent to six children and a retired Executive Director from the Family Education

Centre. The Family Education Centre initiated PPC. Personal and educational experiences lead her to work and volunteer in the worlds of parenting, community development, multiple births, perinatal loss, and therapy dog visitation. You can reach her at [dianemyers1001@gmail.com](mailto:dianemyers1001@gmail.com).

## Book Review: “Clair L'Heureux-Dubé - A Life” - Constance Backhouse

Reading the biography, “Clair L'Heureux-Dubé - A Life”, written by distinguished University Professor Constance Backhouse (University of Ottawa) was like riding in a time machine.

Backhouse brings legal history to life with her meticulously detailed writing in a captivating language. The book is based on her legal research performed over 10 years and over 200 oral interviews with Justice L'Heureux-Dubé herself.

This larger-than-life volume, spanning 740 pages, encompasses not only Her Honour's monumental judicial career, but also describes the lives of many towering Canadian public figures and institutions. It further touches on the socio-legal, political, and cultural history of Quebec, its interrelation with the rest of Canada, how the Supreme Court of Canada shifted the country's social direction on many issues, and the critical role played by Justice L'Heureux-Dubé in these changes.

According to Backhouse, her text is a "feminist legal biography" in which she incorporates the use of core feminist principles as a framework for her research. She describes her analysis as "a recognition that gender matters, that discrimination exists, that resistance and backlash follow, that our society could be a better place if there were greater inclusion and equality, and that biographical research should take account of all of this."

This book raises a very interesting dynamic between the subject - who publicly shrugged off linkages to feminism and claimed that “I am not a feminist. I am a humanist”- and the author's feminist legal approach to the biography. All of this converged with Justice L'Heureux-Dubé's



egalitarian perspective expressed throughout her 29-year judicial career, believing in the principles of equal rights and opportunities for all. From such a convergence point onwards, Justice L'Heureux-Dubé was elevated to the Bench against the backdrop of the emergence of the second wave feminist movement in Canada, which acted as a catalyst in her judicial appointment.

Justice L'Heureux-Dubé was the second woman to become a member of the Supreme Court of Canada. On May 4, 1987, her

appointment took place five years after Madame Justice Bertha Williams' appointment in 1982. Backhouse traces the personal path forged by Justice L'Heureux-Dubé, starting with her birth in Quebec City in 1927; her growing up in Rimouski along the banks of the St. Lawrence River; her education as a boarder in a Catholic convent; her upbringing as bilingual francophone; the struggles she faced in 1948 regarding admission to Laval Law School in Quebec, culminating with her entry into the practice of law, experiences practicing as a woman, her complex family life, and the crossroads of politics and entering the judiciary.

Backhouse emphasizes that Justice L'Heureux-Dubé entered family law when it was not regarded as “real law.” It was a time when “female lawyers were forced to tangle with hostile judges.” Yet her practice grew so much that she is said to have “divorced half of Quebec City.” Her Honour shares that the passage of the *Divorce Act*, faced opposition, as “cultures have long tentacles.” Backhouse writes that “life experience, the capacity to listen and ability to assess fairly” were just a few of Madame Justice's hallmarks.

...continued on page 15

## Book Review - continued

However, upon appointment(s), she faced difficulties due to the “stereotypical assumptions of the times that women lack capacity.”

To read Backhouse’s delineation of Justice L’Heureux-Dubé’s swearing in ceremony at the Quebec Court of Appeal in 1979, as well as Her Honour’s speech recognizing the 50<sup>th</sup> anniversary of the Person’s case, is remarkable. Backhouse further describes the isolation endured by most women appointed to Bench at that time.

According to Backhouse, the legacy of Justice L’Heureux-Dubé is her innovative legal approach, her independent and open mind, as well as her courage to be a great dissenter. Backhouse’s commentary on a few select cases over which Her Honour presided that addressed significant areas of law, like Sexual Assault (Seaboyer, 1991), Ewanchuk (1998); Family Law and Spousal Support (Moge, 1992); Human Rights for Same-Sex Couples

(Mossop, 1993); The Quebec Secession Reference (1998); and Fairness in Immigration Law (Baker, 1999), is riveting to say the least.

Justice L’Heureux-Dubé made friendships with judges across Canada and internationally, including a friendship with the legendary US Supreme Court Justice Ruth Bader Ginsberg. Her Honour’s network of relationships with judges and her efforts with Julie Payne led to the establishment of the Canadian branch of the International Society of Family Law.

In Backhouse’s words, Justice L’Heureux-Dubé represented a critical force on the Supreme Court at a critical time and her influence was undeniably transformative.



Archana Medhekar, AFCC-O Board and Newsletter Committee Member

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This book is published by UBC Press, for The Osgoode Society for Canadian Legal History.  
To purchase, visit [www.ubcpres.ca/claire-lheureux-dube](http://www.ubcpres.ca/claire-lheureux-dube)

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## The Nicholas Bala Award for Student Excellence



The Nicholas Bala Award for Student Excellence is an annual award granted to a student enrolled in or recently graduated from a graduate level program in social work, joint social work/law or law (LL.B. or JD), psychology and/or medical school (psychiatry). The award includes \$1,000.00 and free registration at our AFCC-O Annual Conference.



**Submission deadline is changed to September 30, 2019**

For further information on previous award recipients and to download application forms please visit our website at:

[www.afccontario.ca/awards/](http://www.afccontario.ca/awards/)

## AFCC-O Research: Report on Mediation in Ontario

With the support of the AFCC-O, Professors Dr. Denise Whitehead and Dr. Rachel Birnbaum have completed their research project on publicly funded mediation services in Ontario. A research launch event was held April 25 at the offices of Epstein Cole in Toronto. The research was based on an online survey of 138 mediators and referrers to mediation; interviews with 17 judges and 30 other justice system professionals; and visits to eight family court sites.

MARK YOUR CALENDAR TO ATTEND!

Association of Family and Conciliation Courts,  
Ontario Chapter invites you to attend:

**Exploring the Benefits and Challenges of  
Mediation Services in Ontario**

Mark your calendar  
to attend

April 25, 2019  
4:30 to 6:00 p.m.  
Light refreshments  
provided

Location:  
Epstein Cole LLP  
Mediation Centre  
393 University Ave.,  
20th Floor, Ste. 2000  
Toronto, ON  
M5G 1S8

Attendance is free!  
Please register from  
our Event Calendar  
by as late as April  
23 at the link:  
[www.afcco.org/our-work/a-fcc-o-research-report-on-the-benefits-and-challenges-of-mediation-services-in-ontario](http://www.afcco.org/our-work/a-fcc-o-research-report-on-the-benefits-and-challenges-of-mediation-services-in-ontario)

Mediators:  
Alicia Kavan, LL.B.  
MEd, and  
Professor Nicholas  
Bala, Queen's  
University

Researchers:  
Dr. Denise Whitehead,  
St. Jerome's University  
and Dr. Rachel  
Birnbaum, King's  
University College at  
Western

Please join us to celebrate the release of AFCC-O funded research report on publicly funded family mediation services offered to families in Ontario. Mediation is a critical and cost-effective resource for consensual dispute resolution. This report identifies best practices and challenges in service delivery as canvassed from a variety of stakeholders, including recommendations for increasing uptake and access to mediation. For more information visit: [www.afcco.org/our-work/a-fcc-o-research-report-on-the-benefits-and-challenges-of-mediation-services-in-ontario](http://www.afcco.org/our-work/a-fcc-o-research-report-on-the-benefits-and-challenges-of-mediation-services-in-ontario)

Special thanks to research contributors: Ministry of the Attorney General, St. Jerome's University Faculty Research Grant, Social Sciences and Humanities Research Council, Dr. Lynda Ashbourne, and Ontario survey participants – Judicial and Family Law Professional Key Informants, 8 selected Ontario court sites, Hilary Linton, Jennifer Sezer, and Maggie Hall.

Both mediators and referrers to mediation reported that resolution on some or all issues was not the only way to define success, as decreased conflict and improved communication between parents are also important objectives of mediation. While recognizing that mediation is valuable for many, it is also recognized that it may be inappropriate if there is high conflict, substance abuse, or a significant power imbalance. While there is universal support for the present policies of screening for domestic violence prior to mediation, there are divided views about whether the presence of domestic violence should “disqualify” parties from mediation, or whether the mediator’s skills and the wishes of the survivor should be taken into consideration.

Publicly funded and subsidized mediation is mainly used by those who are younger, have lower income and less property, and are likely to be unrepresented. Clients of mediation are often not aware of the role that lawyers can play in the mediation process by providing legal advice before, during, and post mediation (e.g., drafting an order or separation agreement). Access to affordable, settlement-focused, legal advice to help them complete agreements is limited.

Good interprofessional relationships are critical to effective mediation services. In many respects the strength (or weakness) of these relationships helps to explain those sites where mediation has a good uptake rate in comparison to those sites where mediation services are underutilized. Some judges are well informed about mediation services at their court sites, but others have little or no awareness of these services. More information about mediation needs to be provided to judges and other potential referral sources. Judges should be encouraged to consider making more use of Family Law Rule 17(8)(b)(iii), allowing the court to order litigants to attend mediation *intake*.

Visit our [Recent Initiatives webpage](#) to download the research project report, *Exploring The Benefits and Challenges of Mediation Services in Ontario*

Less than a quarter of mediators consistently try to include the child’s views, about half do it sometimes, and more than a quarter do not ever directly include the child’s views. Many respondents suggested that there is a need for more training and better protocols about child involvement in mediation.

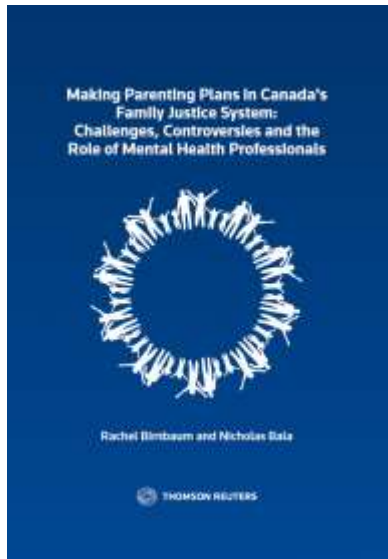
There are continuing concerns about varying qualifications and competencies for mediators across Ontario, lack of awareness and acceptance of mediation by legal professionals, the job insecurity and low rate of remuneration for mediators in the public sector, the lack of space in court houses for mediation, and uneven access to legal advice for those going through mediation. Although the Ministry of the Attorney General has recently signed contracts with mediation service providers for three years, with two possible one-year extensions, there are continuing concerns about low levels of funding but high expectations of services.



Nicholas Bala, AFCC-O Board Member and Research Committee Chair



## Making Parenting Plans in Canada's Family Justice System: Challenges, Controversies and the Role of Mental Health Professionals



Rachel Birnbaum, Ph.D., RSW, LL.M.  
Nicholas Bala, L.S.M., B.A., J.D., LL.M.

This new book deals with challenging issues in the field of parenting assessments and is written for a multi-disciplinary audience in the family justice field, including psychologists, social workers, lawyers and judges. Chapters include special needs children, children's participation and evidence, to help explain the role of the mental health professional in the family justice process and testifying in court. The authors focus first on the historical context, definitions, theory, and empirical research, and then on practice issues from both the mental health and legal perspectives. The four substantive topics (relocation, domestic violence, special needs children, and children's participation in family law disputes) that are the focus of this book are among the most frequently encountered and controversial issues facing legal and mental health practitioners who work with high conflict separating and/or divorcing parents.

**Published by Thomson Reuters and can be ordered online at**

[www.store.thomsonreuters.ca/product-search/?qa=prod&qt=birnbaum](http://www.store.thomsonreuters.ca/product-search/?qa=prod&qt=birnbaum)



**Carolyn Leach**  
- Grand Bend, ON



**Justice Philip Clay**  
- Huckleberry Hill near Bracebridge, ON,  
overlooking Lake Muskoka



**Brian Burke, AFCC-O President**  
- Toronto, ON



**Dan Ashbourne**  
- PEI conference  
break along the beach



**Archana Medhekar**  
- United Nations Headquarters,  
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**Newsletter Committee**

393 University Ave., Ste. 2200,  
Toronto, ON M5G 1E6

**Newsletter Committee:**

Hayley Glaholt (Chair), Dan Ashbourne, Kim  
Harris, Carolyn Leach, Archana Medhekar

**Administration, Layout, and Design:**

Kimberly Brown



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