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President's Message - By David Medoff, Ph.D.



Hello Massachusetts Chapter. We look forward to a great start of spring with an excellent Annual Chapter Conference on Parental Alienation to be held on April 15<sup>th</sup> - tax day. Thank you to the Conference Committee for the hard work and planning that goes into this annual event. Look for upcoming roundtable discussion sessions to be convened across the state as a follow-up to the conference itself. These tend to be well attended, productive and informative

sessions in which the themes of the annual conference are taken to the next level with more detailed discussion from both the panel participants and members of the professional community. It is through these and other public and professional events that our Chapter and its members remain at the forefront of our field and actively serve to advance the knowledge and level of practice for all who work with children and families involved in court. Our chapter will be very

well represented at the upcoming AFCC Annual Conference in Orlando with many of our members presenting workshops and attending various seminars. Remarkable opportunities are provided at the International AFCC Annual Conference where one can meet and mix with other professionals from all over the world who are involved at all levels family law and child welfare practice. If you have not yet attended an AFCC annual conference, do it.

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Charlemont, MA

Photo by Hon. Geoffrey Wilson

Kelly's Korner - By Kelly Leighton, Esq.

We are now at the beginning of the 2011-2012 legislative session, the 187<sup>th</sup> General Court of the Commonwealth of Massachusetts. At the start of the session, the legislature engages in a number of tasks, including the processing of all new legisla-

tion that has been filed, deciding the composition of the various committees that will review these bills, and assigning the bills to one or more committees. The bill filing deadline for the current session was January 21, 2011. Generally, the bills that will

be under consideration over the next two years have already been filed, although there is a process for the late filing of bills. The Legislature is currently assigning bill numbers to all proposed legislation. Concurrent with this process

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### Mass Chapter News - By Beth Crawford, J.D.



**Bernardston, MA**

Photo by Hon. Geoffrey Wilson

The Massachusetts Chapter of the AFCC is co-sponsoring MCLE's annual "Sophisticated Issues in Western Massachusetts" training. The program will address the complicated issue of meeting the ethical requirement of zealous representation in the context of the trend toward non-adversarial resolutions of family law disputes. How do lawyers stay within ethical boundaries when employing problem-solving approaches to their domestic cases? What does "zealous representation" really mean? Is it

safe to take into consideration the client's child's interests?

There will be presentations by James DeGiacomo, Esq. and Constance Vecchione, Esq., Bar Counsel, on the history and definition of zealous representation. Massachusetts Chapter President, David Medoff, PhD, will discuss the psychology of a person facing divorce or separation, and how lawyers can be effective with even the angriest

client without mirroring the client's behavior. Other AFCC members participating in the training are Hon. Linda Fidnick, Hon. Geoffrey Wilson, Chief Justice Paula Carey, Alexander Jones, Esq., Hon. Anne Geoffrion and Hon. Richard Simons.

For more information see: [www.mcle.org](http://www.mcle.org)

### Parental Alienation - By Peggie Ward, Ph.D.

*"Alienation exists as a social and family dynamic."*

What is Parental Alienation, how would we recognize it and what would we do with it if we found it? The AFCC April 15 conference, with our expert speaker, Dr. Richard Warshak, will help answer these questions and much much more. Alienation is difficult to define and it is not a unitary concept. It is multi-faceted and exists along multiple continua. And just when you think you have a fully formed idea of the family dynamic behind a complex alienation case (and they all are), you may be in a position of looking for or suggesting a remedy.

Alienation exists as a social and family dynamic. In the cases of divorce or separation, it generally manifests when a child or children express unjustified (i.e. not due to abuse or other safety

concerns) hatred or unreasonably strong dislike of one parent, and make their desires known (whether these desires are unduly influenced is the question at hand) by rejecting this parent. This can take the form of extreme alignment with a favored parent to strong and extreme rejection of the non-favored parent, often resulting in refusal to have contact with that parent. While there is much debate over terminology and origination, most recent definitions include a complex analysis of the contributions of all family members. It is only after a full understanding of all contributing factors that one can begin to determine the best possible remedy for any one family situation. The more we learn, the more we un-

derstand that alienation exists along a continuum from mild to moderate to severe and the remedies also exist along a continuum, from different therapies, to intensive therapy through weekend-or-week-long systemic interventions, to (rare) a change of custody. All professionals involved, from therapists to GALs to attorneys to judges, struggle with solutions.

In the January 2010 Family Court Review Journal on alienation, Drs. Fiedler and Bala in their article "Children Resisting Post Separation Contact with a Parent: Concepts, Controversies and Conundrums) note "the too often strongly gendered polemic on alienation and abuse is polarizing and needs to be replaced with

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President's Message, Cont'd from Pg 1

On a more local level, we are actively looking for members to become involved in our Chapter. One way to do this is to be active in any of several committees that meet once a month over the course of the year. This will provide you with unique opportunities not only in contributing to the organization and to the field, but also network-

ing and making new personal and professional contacts. Please contact me or our incoming President, Lesley Goldsmith if you are interested in becoming involved in any of the following committees: Newsletter, Membership, Parent Coordination, Public Education, Public Policy/Legislative Affairs, Roundtables and Website/List serve. We would welcome new faces, new talent and new perspectives.

As a reminder, please save the date for our annual Mass Chapter Symposium and Dinner to be held on September 22, 2011. It looks like another productive, rewarding and fun year is coming our way as Mass Chapter AFCC members.

AFCC Ninth Symposium on Child Custody - By Lesley Goldsmith, J.D.

Over a long weekend, starting Thursday, October 28th the Association of Family and Conciliation Courts (AFCC) held a conference here in Cambridge, MA. During those four days, participants were entertained and educated by a host of Workshops and Institutes, many of which were presented by our colleagues from Massachusetts.

Topics covered a wide range of issues including, Mental Health - Attorney Consultation in Child Custody Cases: From Witness Support to Testimony; to Evaluations Inside the Court: Special Issues in Court Clinic Evaluations; Divorce Custody and Suicide: Protecting our Clients; Should Child Custody Evaluators Speak to a Child's Therapist? When, Why and How; and Integrating Research into Clinical Practice: Survey Results of Brief-Focused Assessments.

The following were the Massachusetts presenters, many of whom are AFCC members, Massachusetts Chapter Members and Massachusetts Chapter Board Members, David Medoff, Ph.D, Mary O'Connell, J.D., Chief Justice Paula Carey, Robin M. Deutsch, Ph.D., Barbara Hauser, LICSW, John E. Baker, Ph.D, Adam Rosen, J.D., Ph.D., Mark Bleier, Nancy Rappaport, M.D., William Levine, J.D., Mary Ferriter, J.D., M.P.A., Amanda Zelechowski, J.D., Ph.D., Jane Appell, Ph.D., Sharon Gordestsky, Ph.D., Hon. Gail Perlman, Hon. Linda Fidnick, Lesley E. Goldsmith, J.D., Hon. Robert W. Langlois, Donna Feinberg, LICSW, Claudette B. Pierre, Ph.D., Joanna Bunker Rohrbaugh, Ph.D., Jessica Griffin, Psy.D. Mark A. Gapen, Ph.D. and Linda Cavallero, Ph.D.

On Friday evening the Mas-

sachusetts Chapter hosted several dine around events at different restaurants in the Cambridge and Boston area. We had the opportunity to take the "Out of Towners" to see our city. All of the dine arounds were well attended and had participants trying James Bond "Vesper" martinis at the Blue Room in Cambridge and old fashioned corn pudding at the Union Oyster House in Boston.

I had the opportunity to moderate a panel with Hon. Robert W. Langlois, Probation Officer Donna Feinberg and Dr. Claudette B. Pierre, the title of which was: A Practical and Cost Effective Approach to Appointing Custody Evaluators/ Guardians *ad Litem*. The workshop described the use of a specific Order to appoint a GAL/evaluator and introduced the concept of

**Mass Chapter Symposium and Dinner to be held on 9/22/11 at the Henderson House in Weston, MA**

### Parental Alienation, Cont'd from Pg 2



**Bernardston, MA**

Photo by Hon. Geoffrey Wilson



**Bernardston, MA**

Photo by Hon. Geoffrey Wilson



**Bernardston, MA**

Photo by Hon. Geoffrey Wilson

a more nuanced and balanced discussion that recognizes the complexity of the issues so that the needs of children and families can be better met.” The authors further add, “These are complex cases. A significant portion of the cases in which alienation is alleged are not in fact alienation cases; for those where alienation is present, interventions will vary depending on the degree of the alienation. More severe alienation cases are unlikely to be responsive to therapeutic or psycho-educational interventions in the absence of either a temporary interruption of contact between the child and the alienating par-

ent or a more permanent custody reversal.”

Loyalty binds are difficult for children (and for parents). The binds that lead (for multiple reasons) a child to sever contact with a parent are heartbreaking. While children feel loyalty struggles in intact families, most manage to work through these struggles, sometimes alternating between closeness to each parent and sometimes remaining closer to one, but not being forced to make a choice. Divorce or separation, compounded by high conflict and a legal system that is focused on “winners” and “losers” can lead some children down the path of

making a choice which they may later regret. We know from adults who made these choices as children (influenced by tremendously complex family dynamics) that the psychological damage can be long term and extraordinarily painful. We owe it to these children who are now caught up in some part of an alienation process to begin conversations about prevention as well as remedies. Come to our conference and be part of the conversation!

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### AFCC Ninth Symposium on Child Custody, Cont'd from Pg 3

an identified court liaison for professional use. Judge Langlois directed us through his Order/Appointment, one that has been crafted over the years to suit both the need of the GAL/Evaluator and of the parties. In this Order, he limits the number of hours the GAL can take on the case and the number of collaterals the GAL should speak to. Within his appointment, he more precisely frames the questions before the Court and the task of the GAL/Evaluator, in an effort to reduce the time involved for all, the cost of litigation with a goal to assisting the Court work towards a resolution for fami-

lies. Judge Langlois described how his experience on the bench working with GAL/Evaluators led him to draft such a detailed order and how it can be used in other courtrooms across Massachusetts, the United States or possibly to other countries who have like cases.

Donna Feinberg, who is a Probation Officer at Norfolk Probate and Family Court where Judge Langlois sits as First Justice, introduced us to the concept of a Court Liaison for the GAL/Evaluator to use when they have any questions regarding the appointment or completion of an investigation and report.

She led us through the things she can and cannot do. She walked us through the motions that are often filed with the Court to “clarify” or “extend time,” and how she handles these motions in an administrative manner. Donna showed us how easy and how effective the Liaison can be to both the Judges, as well as GAL/Evaluators, attorneys and parties and how it assists the Court in moving the case forward.

Dr. Claudette Pierre explained, from her perspective as the GAL, how this

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## Kelly's Korner, Cont'd from pg 1

is the assignment of legislators to the various committees that will consider these bills. The bills will receive committee assignments, in which they are sent to one or more committees for their review. Proposed legislation may go through a number of different committees during the session. Most family law-related bills are referred the Joint Committee on the Judiciary, which is comprised of six senate members and eleven house members. The leadership designated Rep. Eugene L. O'Flaherty of Chelsea and Sen. Cynthia Creem of Newton as co-chairs of the joint committee, continuing their service in these roles from the last legislative session. Other members assigned to the committee are: Vice Chair Rep. Christopher N. Speranzo of Pittsfield; Vice Chair Sen. Gale Candaras of Wilbraham; Colleen M. Garry of Dracut; Kevin J. Murphy of Lowell; Sean Curran of Springfield; John V. Fernandes of Milford; Angelo J. Puppolo, Jr. of Springfield; Carlos Tony Henriquez of Dorchester; Christopher M. Markey of Dartmouth; Daniel Winslow, R-Norfolk; Sheila Harrington, R-Groton; Sen. Patricia Jehlen of Somerville; Sen. Thomas McGee of Lynn; Sen. John Keenan of Quincy; and Sen. Richard Ross, R-Wrentham

This joint committee will hold public hearings on the bills it is considering, although it is difficult to predict when the hearings will

be scheduled. In the past, the committee has bundled many family law related bills to be heard on the same day—resulting in hundreds of bills calendared for a particular hearing date. On these dates, the committee listens to hours of public testimony on the proposed legislation, as well as accepts written comments. Notice of the hearings may be announced months in advance; some hearings, however, are announced mere weeks or days in advance.

Access to filed bills for the current session is limited as of the date of this column, however, several bills tend to be re-filed each session, and there is reason to anticipate they will be filed once again. In the past, some bills were filed session after session before seeing the light of day outside of committee (anyone who advocated for the passage of the Massachusetts Uniform Probate Code can attest to that, so to speak). The Massachusetts Uniform Child Custody Jurisdiction and Enforcement Act (the "UCCJEA") was submitted repeatedly in recent years. Other bills, such as those advocating for a shared physical custody presumption in family law cases, were likely filed again.

Although not specifically child-focused, one bill co-sponsored by Sen. Candaras and Rep. Fernandes has attracted significant attention and is worth a mention: *An Act to Reform and Improve Alimony*. A push to change

Ch. 208, section 34 gained momentum in recent years, resulting in press coverage of individual alimony stories, analysis of availability of durational limits, and an examination of current law. A number of bills were filed last session seeking to amend the alimony statute. The different proposals varied in their approach to reform, as there was disagreement over the provisions of any new law that would emerge from the legislative process. As a result, a task force was convened by the committee, chaired by Sen. Candaras and Rep. Fernandes, to further study the issue. It was comprised of members of various bar associations (this writer was a member of the task force), private attorneys, and an individual interested in alimony reform. Hon. Paula M. Carey served in an advisory capacity to the task force.

The task force met periodically for well over a year, and produced a proposal that seeks to balance the uniformity and predictability of a set structure with the ability to depart from that structure when the facts make it fair to do so. As such, the bill provides a framework regarding duration and amounts of alimony, yet preserves the courts' ability to examine the particular facts of each case and discretion to fashion an alimony award tailored to each parties' circumstances, if appropriate. The bill addresses issues such as re-

tirement and cohabitation, as well as provides for reimbursement and rehabilitative alimony.

Stay tuned for more information on the spate of proposed legislation filed this session, as well as progress on these bills as the year progresses.

**A periodic column  
to keep you  
updated as to the  
legislative  
goings –on on  
Beacon Hill**



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## A Bill to Reform and Improve Alimony, Cont'd from Pg 4

pecific Order and the use of the Court Liaison has assisted her in her practice as a GAL and how in her experience it has assisted the families she worked with. Dr. Pierre told us about the motions she has filed with the Court to either "clarify" the appointment or seek "instructions" and how in a few cases she has used the Liaison to seek a filing of a contempt action. Her presentation really spoke to how this model could be used in other jurisdictions. Participants were urged to take

the handouts and utilize them as their own, or as templates. We emphasized the use of a Court Liaison and how it could be adapted and used in other court houses or organizations. We welcomed two participants from Japan and enlisted their feedback to see if this was a tool they could take back to their own Courts.

The beauty of AFCC shone through in Cambridge, with like minded people coming together from across the country and around the world to share their exper-

tise for the goal of improving the lives of children and families, combined with good times and spirited collegiality.

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**Would you like to subscribe to our BiAnnual Newsletter? Would you like to contribute your creative ideas? Questions or comments? Feel free to contact the Chair of the Newsletter Committee:**

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