

Minnesota Association of
Custody Resolution Specialists
PO Box 127
Chanhassen, MN 55317-0127

Fall Mediation Training - Save the Dates!

Once again MACRS is presenting a Family Court Mediation Training from Monday, September 22 through Friday, September 26, 2008. This year the training will be held in the twin city area at the University of Minnesota Continuing Education and Conference Center located at 1800 Buford Avenue, St. Paul, MN. This training meets the Rule 114.13 requirements for the 40 hour Family Court Mediation training for Parenting Time Expeditors, Family Court Mediators and is most useful for Guardian ad Litem, parenting consultants, custody and dispute resolution services professionals. The fee for the week is \$600 which includes breakfast and lunch. Lodging is on your own. The speakers for this training are Susan DeVries, Jennifer Rojer, Jeannie Jackson and Kay Kraus. There are a limited number of scholarships available for this training. Certification for this training by the Minnesota Supreme Court has been applied for. Please see the web site – www.macronline.org for further information on scholarships. Contact **Susan De Vries** [susan.devries@mac.com] (preferred communication) for any additional information or you can call her at 651-646-7010.



MACRS BULLETIN BOARD

A Minnesota network for training and information exchange in child custody resolution. On the Internet at www.macronline.org.



The Bulletin Board is published for members and friends of MACRS. Requests for information about MACRS, membership dues and other business items, etc. should be sent to: MACRS, PO Box 127, Chanhassen, MN 55317-0127 or may be emailed to: braddawson@co.todd.mn.us.

The MACRS Board for 2008 is as follows and reflects some changes from past years. The following is a list of current members and information about our newest addition. Please feel free to contact any member with questions or ideas regarding MACRS. We also invite you to submit articles for the newsletter by calling or emailing us. We appreciate any and all ideas and contributions for the newsletter.

MACRS 2008 Board Members

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*Meet the New Board Member:

Jacquelin V. Sebastian – Board Member since 2008

Jacquelin V. Sebastian obtained a Masters Degree in Theology in 1992 and obtained a JD from William Mitchell College of Law in 1996. She does not practice law. She does work as a Rule 114 Neutral and as a Guardian ad Litem. She works in mediation as a Parallel Protection Process facilitator, family dispute resolution, parenting time expeditor and has recently been accepted to join a pilot project of early neutral evaluations (ENE) with the Duluth family court. She does court ordered custody evaluations. She also does medical ethics consulting and teaches medical ethics and general ethics to master level students.

The Usefulness of Custody Evaluations

There is a running conversation across the state and in the courts as to whether the Custody Evaluation is a positive or a negative in a family law case. What is beneficial about a Custody Evaluation? Obviously, they are helpful in many cases to give neutral information to the Court. They also help define the issues between the parents. They can assist in getting the parents to settle issues rather than going forward to a trial. It defines for the parent and their counsel, the hurdles they have if they want to 'prevail' in court so that settlement becomes a better option than a trial, particularly if mental health issues surface due to an evaluation. They certainly help the judicial officers with details of the family and with the parents that would help facilitate a decision, and that the children's needs become more crystallized in a good evaluation.

A few of the arguments made that Custody Evaluations are not helpful include that they are used too frequently to force a settlement rather than using other methods of mediation/arbitration and that evaluations tend to be too subjective, too superficial, too intrusive. The information contained in these evaluations is often taken out of context to support a specific situation or viewpoint of a parent and/or their counsel. It is also true that sometimes sensitive, personal information included in the evaluation may be shared with neighbors, family, friends and ultimately the children. Custody Evaluations can also sometimes increase rather than decrease conflict by polarizing the parents, and that they are overly expensive for many parents, that Custody Evaluations may end up labeling one parent bad and one parent good when the discussion should be what is 'good enough' in these cases. Finally, it is also said that the standards used in a custody evaluation are higher than they need to be. While there is no test or actual standard to become a parent, in a family law case, a parent can effectively lose the ability to parent through a Custody Evaluation. Anyone who has worked in Family Court also understands that these documents have a tendency to resurface in future disagreements or litigation by either parent, depending on the recommendations in the evaluation, to the detriment of a parent or the children.

What are we to do? A good family court system would help families determine the most economical, efficient path to a solution for the presenting problem, be it a divorce or a parenting custody-parenting time question, and assist the parents and their counsel in getting a speedy resolution. At the present time, our system is still based on an adversarial model. The Collaborative Law section of the profession has started to offer an alternative to this but there is still a long way to go. However, there may be a resolution reached in a collaborative process that is short-lived and ineffective because the goal of the process was to get a good settlement, not necessarily a good solution.

What many systems have looked at is a procedure where there is an initial screening of some kind that includes an educational and assessment piece for the parents and participants as well as providing a representation in some fashion for the children involved as well. These systems usually include a multidisciplinary approach. One of these models, Columbus Pilot in the Family Court System in Australia¹, is a well-thought out solution for a complex problem. There is a lot of literature on this model and others like it. The Australian model provides methods for educating the parents on the potential affects of divorce and separation for the children involved while still having a mechanism for identifying what could turn out to be a higher conflict case. Most importantly, they always have a professional that represents the interests of the child. This process has a form of a Custody Evaluation also. Most families do not need a Custody Evaluation to get resolution to a family issue. Are there other options? Yes, but until we have a different approach for the identified "high conflict" families the Custody Evaluation is still the best option for those families and the courts.

By Kay Kraus – Please direct any comments or questions regarding above content to her

¹ [Family Court Review](#), Volume 44, Number 2, April 2006, "The Columbus Pilot in the Family Court of Western Australia", by Lisbeth T. Pike and Paul T. Murphy.

Solomon's Surrogates Training

November 4th - 7th, 2008

University of Minnesota Continuing Education and Conference Center
1800 Buford Avenue, St. Paul, MN

COST: Tuition is \$450.00, including all sessions, comprehensive materials, four lunches and all breaks. (A limited amount of scholarship aid is available from the Ellie Poor Fund. See our web site for brochures and further details – www.macronline.org. Attendees will receive complimentary 2009 MACRS membership.

Mark Your Calendars!

MACRS Fall Training

When: October 24, 2008

Where: Continuing Education Center – University of Minnesota

Speaker: Dr. Benjamin Garber, Ph. D.

Assessing and Enabling Children's Attachment Relationships
In the Midst of Co-parental Conflict, Separation and Divorce

Dr. Garber is a nationally known speaker on topics ranging from co-parenting, uncoupling, attachment issues, affects of parental conflict on children and alienation in a practical, entertaining way. He is also the author of the new book, "Keeping Kids out of the Middle", coming out this fall. Dr. Garber will offer new research combined with a common sense approach to help solve family issues in a child-centered, useful way. There will also be some small group discussion exercises. Also see www.healthyparent.com

Please Send Your Email Addresses!



MACRS is combining a list for the MACRS members email addresses so that we can keep everyone more up to date with the training and other notices we think our members would be interested in. The group emails we send may include information regarding new legislation, new trainings, and just general 'nice to know' information. If you would like to be included in this list, please send an email to Jennifer Livingston Rojer jennifer.rojer@co.hennepin.mn.us with your content to include your email address in a group list soon as possible.