

Minnesota Association of
Custody Resolution Specialists
PO Box 127
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Fall Mediation Training - Save the Dates!

Once again MACRS is presenting a Family Court Mediation Training from Monday, September 24 through Friday, September 28, 2007. This year the training will be held in beautiful downtown Duluth, Minnesota at the Edgewater Inn on the shores of Lake Superior. 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 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 DeVries at susan.devries@co.hennepin.mn.us (preferred communication) for any additional information or you can call her at 612-348-7909.



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 2007 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 2006 Board Members:

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***Meet the New Board Member:**

Jeanne Mercer - My background is in Business Management but my passion has always been advocating for children. In 1974, I began doing volunteer work with Abused Children's programs. In 1991, I took a position at the Lakes Crisis Center in Detroit Lakes, MN. Where I started a Safe Exchange program, helped to establish and facilitated the mandated Parent Education Program in Becker County, started a Fathers Support Group, and received training to facilitate Family Group Decision Making Conferences. In 2005, I attended level one and advanced mediation training at St. Olaf College. I now co-own Family Resource Center, Inc. I have chaired the Becker County Child Abuse Council and am past president of our Boys and Girls Club.

Guardian ad Litem Versus Custody Evaluator, What's the Difference?

One of the most frequently asked questions that Custody Evaluators and Guardians ad Litem get is "What is the difference between a Guardian ad Litem and a Custody Evaluator?" Although in some ways a Guardian ad Litem and a Custody Evaluator (CE) act in very much the same way, there are some distinct differences.

A Guardian ad Litem or a CE may be appointed by a judicial officer without consent of the parties. A Guardian ad Litem follows MN State Statute 518.165, as well as the MN Rules of Guardian ad Litem Procedure in Family & Juvenile Court Rules 901-907. The duties of a Guardian ad Litem are defined by the statute, rules, court order & case law. The Guardian ad Litem completes an independent investigation, considers the child's wishes, presents written reports, always meets with the child, and does a home visit unless specifically exempt by the court. A Guardian ad Litem advocates for the best interest of children.

A CE follows MN state statute 518.17. A CE will investigate, report and make recommendations regarding custody and parenting time. According to the Summary Guide Comparing Roles in Family Cases, published by Minnesota Continuing Legal Education, a home visit is required unless exempted by the court or agreement of the parties. They may also interview the child if age appropriate. The report submitted by the CE must consider and evaluate the factors in section 518.17 (the 13 best interest factors).

The Guardian ad Litem may develop a relationship with the child and can address ongoing needs. They attend meetings with family and other professionals and advocate for needed services. The Guardian ad Litem's role is generally open ended. They are involved with a child

longer, facilitating changes and monitoring the Court ordered plans. The Guardian ad Litem focuses on immediate and long term needs.

A CE does not develop a relationship with anyone in the family. They gather information by interviewing, observing the family, and gathering records. They are not involved with interventions for the family and usually give them minimal feedback. Their focus is on making recommendations for legal and physical custody of the children and developing a long term parenting plan.

A Guardian ad Litem is named as a party in Juvenile Court and may be made a party in Family Court. A CE is not a party, but is considered the Court's witness unless hired privately by one party. Neither a CE nor a Guardian ad Litem has decision making powers.

A Guardian ad Litem may submit numerous reports to the Court. The reports are generally brief, 2 to 3 pages in length, and based on short and long term best interests of the child. A CE submits one report per Court Order. The report is typically lengthy, 10 to 12 pages, and follows a standardized form that includes the 13 statutory facts.

When describing the difference between a Guardian ad Litem and a CE to a lay person, explaining that a Guardian ad Litem is generally involved in an ongoing "movie" of the situation, while a CE gives the Court a briefer "snapshot" of the family situation, usually helps them clarify the difference.

I hope this information has been helpful. Both Guardians ad Litem and CE's have incredibly tough jobs, and everyone on the MACRS board thanks them both for serving families and children in need!

This article was written by MACRS Board member Dawn Kuhl. Please send any questions or comments to DawnMKuhl@aol.com

Mark Your Calendars! **MACRS Fall Training**

When: October 26, 2007

Where: Continuing Education Center - University of Minnesota

Speaker: Mary Jamin Maguire, MA, LP, LICSW.

What makes a "good enough" parent? Mary Jamin Maguire's presentation will address what pushes a parent over the line into "good enough" and what keeps a parent in the "can't quite make it" category. Mary will present the parenting assessment process, how it differs from a custody evaluation, and when aspects of it might enhance a custody study. Intervention strategies will be part of the discussion as well as what you can recommend to enhance someone's parenting skills. There will also be some small group discussion exercises.

Communication Between the Genders

Men are from one planet, women are from another....we have all heard that phrase. Are men and women really created equally when it comes to communication? Recently, there have been many studies done on this topic, both in our own state and across the world. There have always been questions as to whether our gender differences in communication are learned or inherited. The old question of 'nature vs. nurture' has been put to the test and nature seems to be winning.

Stereotypes about the sexes can be beneficial or harmful and many of them are based on some kind of age-old wisdom. There are many stereotypes that leap to mind – men can parallel park better, women talk more, men are more focused, women are emotional - may now be explained by biology. Now we know there may be physiological reasons that men can't find their socks and woman can multi-task all day. Are there also biological reasons men and women have trouble communicating?

Many new studies have focused on the physical differences in the structure of our brains and may help explain some of the stereotypes and communication concerns. One main physical difference in male and females brains is the difference seen in the connective tissue that divides the brain into the left and right hemispheres. This tissue can be up to 10% thicker in woman. Scientists think this may explain women's ability to multi-task and/or communicate in different ways. They believe this thicker connection may increase communication between the two sides allowing women to think more globally. Women's brains are generally smaller per body mass and more streamlined, making their brains possibly more efficient. MRIs (magnetic resonance imaging) taken during certain activities show that women use less energy to perform the same task as men.

How do these differences affect the communication styles between the genders? One way is that because women are socially and now we can say physically 'built' to talk more than men, this one thing helps explain one of the main frustrations that occurs with both genders when there are communication issues. Many women have a difficult time understanding why the men in their lives don't want to talk about "issues" more. They can interpret this lack of desire to communicate by men as disinterest or indifference.

There are many studies showing other physical differences between the brains of the genders – females have larger neurophil volumes than men, higher neutron densities in men, fundamental gender differences in the structure of the human cerebral cortex. Obviously, all females and males are on a continuum and one size does not fit all when it comes to explanations or styles of communication. However, the new studies are a positive step in helping us explain some of the difficulties we have in communicating. Maybe knowing that there are actual physical differences between the genders will help set a different set of expectations when it comes to communication styles and goals.

Submitted by Kay Kraus – cites for research available by request