

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

### **Mediation Training – Save the Dates!**

**The next MACRS Mediation Training will be held on June 15–19, 2009.  
This training meets the Rule 114 ADR requirements for Family Court  
Mediators.**

**The training will be held at the University of Minnesota Conference Center  
located in St. Paul, MN. Limited financial aid from the Ellie Poor Fund may  
be available for qualifying applicants. Please contact us at  
[Macrs@marcsonline.org](mailto:Macrs@marcsonline.org) for further information.**



## MACRS BULLETIN BOARD

A Minnesota network for training and information exchange in child custody resolution. On the Internet at [www.macronline.org](http://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: [macrs@macronline.org](mailto:macrs@macronline.org)

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The MACRS Board for 2009 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

Jennifer Livingston Rojer, Co-Chair	612-348-4173
Heather Feikema, Co-Chair	320-630-9626
Carol Breimhorst, Secretary	507-332-5972
Angela Banga, Treasurer	952-470-6869
Brad Dawson, Membership	320-732-4500
Doneldon Dennis	612-348-3614
Susan DeVries	651-646-7010
Lynn Johnston	320-732-4533
Kay Kraus	612-332-0787
Michael London*	612-348-3767
Jacquelin V. Sebastian	218-834-9258
Robert Sierakowski	651-266-2361

\*Meet the New Board Member:

### Michael London - Board Member since 2009

**Michael London**, JD, practiced Family Law for 32 years as well as serving as a Guardian ad Litem and an attorney for the Guardian ad Litem Program. He now is a mediator/evaluator with Hennepin County Court Services.

### Legislative Update - Presumption of Joint Physical Custody

Most of you may be aware that last fall, the Judicial Branch of the MN Legislation held public meetings and requested statements from individuals, groups and professionals responding to a proposed change in legislation that would change the presumption regarding joint physical custody in MN Family Court. The specific questions that the legislature requested a response to were:

1. Should there be a change in Minnesota's custody laws to favor a presumption of joint physical custody?
2. What are the pros and cons of the state adopting a presumption of joint physical custody in law?

MACRS' response to these questions was:

"The MACRS board is composed of private and public professionals working with the children and parents involved in custody and parenting time disputes. We are family law attorneys, custody evaluators, mediators, guardians ad litem, and parenting consultants.

It is our belief that Minnesota should NOT adopt a presumption in favor of joint physical custody. While the active involvement of both parents in a child's life is critical, and should be given significant weight in any parenting time decision, many other factors are also critical to children's well-being. Families struggling with chemical addiction, mental health issues, power imbalances, and domestic abuse all warrant caution, as do families with distance between their households, poor conflict resolution skills, very young children, and children having physical, emotional, or education struggles themselves. An equal or near equal sharing of time between households requires consideration of all these factors to ensure a positive environment for children. The issue is complex and a sweeping assumption that equal or near equal time with parents trumps all other factors does a disservice to our children.

In many respects labeling physical custody in any form is problematic and inhibits peaceful resolution of these issues for families. We encourage the study group to consider eliminating physical labels entirely, and instead focus on applying best interest's factors to parenting time schedules that allow consideration of each family's unique needs and circumstances."

At this time, this issue has been tabled at the legislature. The Minnesota Legislature has taken no action regarding new statutes or changes in existing statutes related to physical custody.

**Benjamin D. Garber, Ph.D.**

**Synopsis of Presentation**

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

**October 24, 2008**

Dr. Garber's approach to his clinical and forensic work as well as his presentation is from a child-centered, family systems point of view. Dr. Garber began his presentation with questions to be addressed:

- How can we conceptualize the development and the quality of a child's relationship with a caregiver?
- How can we assess the quality of a child's relationship with a specific caregiver?
- Can we compare/contrast the quality of a child's relationship with each of two or more caregivers?
- Is a healthy relationship with one caregiver enough?
- Does an unhealthy relationship with one caregiver necessarily compromise a child's other relationships?
- What causes a child's otherwise healthy relationship with a caregiver to become less healthy?
- How can we attempt to repair a child's compromised relationship with a specific caregiver?
- What tools, methods and resources can we use to support and enable a child's healthy caregiver relationship?

Dr. Garber devoted his presentation in an attempt to answer these questions. He began with re-defining the Family from the 1950's perspective to the understanding that today "half of all children live in a family structure other than two married parents."

Attachment theory was discussed as well as Reactive Attachment Disorder; culminating in Dr. Garber's observation that "the quality of a particular caregiver-child relationship must be understood within the context of the larger systemic dynamics." Alienation and Alignment and Estrangement were explored from the child's experience of Co-parental conflict. The bottom line is that for parents to better understand and meet the needs of their children, parents must first and always parent their children through child-centered parenting.

In summary, Dr. Garber's call to parents is that,

*Our job as healthy parents is to weave a safety net beneath our children. When we allow our children to become caught in the midst of our adult conflicts, used as pawns in our selfish games, the safety net rips apart. Our children are left insecure—sad and angry and scared. Our willingness to put our conflicts aside, to communicate constructively, to provide consistency, and to put their needs first, before our own, weaves a tight net which will catch them every time they fall.<sup>1</sup>*

By Jacquie Sebastian

## Training Opportunities by MACRS

MACRS provides a Fall Rule 114 ADR training every year, tentatively scheduled for October 23, 2009. We also offer Mediation (this upcoming June) and Custody Evaluator training which we call Solomon's Surrogates. We will be providing another custody evaluator training as soon as we have enough people registered for a class. If you are interested in this training, please contact us at [macrs@macrsonline.org](mailto:macrs@macrsonline.org) to register.

## Early Neutral Evaluations

As the economic climate for our families and Courts becomes ever more challenging, we need more efficient and cost-effective options for resolving custody and parenting time issues. Hennepin County Family Court Services in conjunction with Fourth Judicial District Family Court has been offering families an alternative dispute resolution process that adapts the Early Neutral Evaluation ADR model to custody and parenting time cases. These are known as "Social" Early Neutral Evaluations (SENE).

Parties are referred by the Court to a male/female team of experienced neutral evaluators. The evaluators meet with the parties and counsel to provide feedback as to the strengths and weaknesses of the parents' positions, and from that facilitate discussions on settling the issues. The program has been implemented with teams from both the private and public sector in several districts throughout the state, and has resulted in settlement rates of over 70%. SENE is only one part of a five prong judicial process for resolving family law cases more effectively and efficiently. The overall process is known as Early Case Management (ECM) and is considered a priority within the strategic plan of the Minnesota Judiciary.

For the last several years I have conducted SENE's as part of my work at Hennepin County Court Services. I find it to be a useful and empowering process for many families. SENE blends the skills of both the evaluator and the mediator. The first half of the session requires the team to collect information and develop opinions, as one would as an evaluator; but the second part focuses on sharing that information in a respectful manner with parents and their attorneys and facilitating discussion towards settlement, thus requiring the negotiation skills of mediator.

Want more information? Consult the following for a more in-depth look at this topic:

Yvonne Pearson et al. "Early Neutral Evaluations: Applications to Custody and Parenting Time Case Program Development and Implementation in Hennepin County, Minnesota." FAMILY COURT REVIEW. Vol 44, No. 4, October 2006. (pp 672-682)

Kevin McGrath and Joani Moberg. "Using Early Neutral Evaluations for Effective Representation." THE HENNEPIN LAWYER, May 2007. (pp 22-24) ([www.hcba.org](http://www.hcba.org)).

Want training on this topic? Let us know on the bulletin boards or send us an email!

Jennifer Livingston Rojer  
MACRS Board Member

## Mark Your Calendars!

**Association of Family and Conciliation Courts - Minnesota Chapter**  
**April 24, 2009**  
**Leslie Drozd, Ph. D.**  
**"Is it Abuse, Alienation and/or Estrangement - A Decision Tree"**  
**University of Minnesota Continuing Education Center - St. Paul, MN**

Update Your Email Addresses!

Send your updated information to us at - [macrs@macrsonline.org](mailto:macrs@macrsonline.org)



The MACRS email list is used only for providing information to MACRS members and other interested persons. We do not sell our list or provide email addresses to others without express permission of the owner. Please inform us should you change your address so that we can keep sending you important information about upcoming trainings or other important news about Family Court issues.