



NEWSLETTER

VOLUME 1, ISSUE 2, NOVEMBER 2020

MESSAGE FROM THE PRESIDENT

We are proud to present our second NJ-AFCC Newsletter. We hope everyone is doing well and is adjusting to the new normal in response to the COVID-19 pandemic. Our chapter has had to make a few adjustments, and we are now functioning remotely. AFCC National has also been functioning remotely. National cancelled the annual conference that was to take place in New Orleans in May, but will hopefully be presenting the same program in June of 2021 in Boston. The work and programs of AFCC continues through the pandemic and last spring, a special edition of the Family Court review was published focusing upon Refuse/Resist Dynamics. It is a wonderful edition with articles authored by experts in the field. At the time, AFCC offered a number of webinars by many of the professionals who had authored the articles in the special edition. AFCC also presented a series of four webinars in August, addressing different issues in Parenting Coordination. All of the AFCC webinars are recorded and archived, and are available to AFCC members.

Our NJ chapter held a very informative presentation on Refuse/Resist dynamics on October 8, 2020 via Zoom. (See related article in this newsletter). Plans are in the works for our chapter's annual program in Spring 2021. Several timely issues are under discussion as possible topics. Stay tuned for more details. Our NJ chapter also has a reciprocal arrangement with the New York AFCC chapter and many of our members took advantage of this reciprocity to attend a remote seminar on September 22, entitled, "We don't split the baby, so why should we split the time? Shared Parenting Time: should there be a presumption of 50/50."

Due to COVID-19 restrictions, the AFCC Nationals annual fall custody conference did not take place in Las Vegas. Instead, it was presented remotely during the week of November 9th. The title of the conference was, "The Future of Child Custody: Stacking the Deck in favor of Children". The National Conferences always bring together leading researchers and practitioners in the area of family conflict.

For those of you who are not yet members of the New Jersey chapter, we would love to have you join, and become involved in one of our many committees. Membership in our chapter also includes the option for members to be listed and searchable on our chapter website, <http://www.afcc-nj.org/>.

For more information about joining, please reach out to us at: afccnewjersey@gmail.com

Marcy A. Pasternak, Ph.D.
President

Dr. Pasternak is a clinical and forensic psychologist in Watchung, NJ. She has served of the Board of NJ-AFCC since 1999.



NJ Chapter's Remote Fall Program on Refuse/Resists Dynamics Provides timely and informative guidance

By Lynn B. Norcia, Esq.

Not to be deterred by the pandemic, the New Jersey Chapter of the AFCC successfully presented its first remote program on October 8, 2020, entitled, "Roadblocks and Pitfalls in Treatment When a Child Refuses/Resists Contact with a Parent." The program was a two hour interactive webinar which was attended by over 60 people, and included members from the New York Chapter of the AFCC, with whom we have a reciprocal agreement for trainings.

The seminar was moderated by Amy Wechsler, Esq. and included presentations by a group of distinguished panelists, who addressed, among other issues, the types of treatment available, the roadblocks and pitfalls in implementing treatment, and the challenges representing clients in "Resist and Refuse" cases. The expert panel included: The Honorable Michael R. Casale, J.S.C. (ret.); Holly Friedland, Esq.; Eileen Kohutis, Ph.D.; Hon. John McDonald, J.S.C., (ret.) ; Sharon Ryan Montgomery, Psy.D.; and Marcy Pasternak, Ph.D.



The panel provided helpful information for the participants, including the explanation that the issue of children resisting or refusing contact with one parent is very complex and usually includes multiple dynamics which a mental health professional can work towards identifying. This professional mental health analysis should be done early in order to determine what type of therapy would be most helpful. It can often be accomplished through a "focused evaluation" rather than a full custody evaluation. The psychologists on the panel warned that although a child's therapist can be helpful, sometimes because he/she is the child's therapist, he/she might not understand the overall dynamics of the family and can sometime be entrenched in the child's position.

One of the key take-aways of the seminar is that professional help should be engaged early in a case since the passage of time often makes efforts to repair the damaged relationship more difficult. Early professional intervention in the family dynamics is essential.

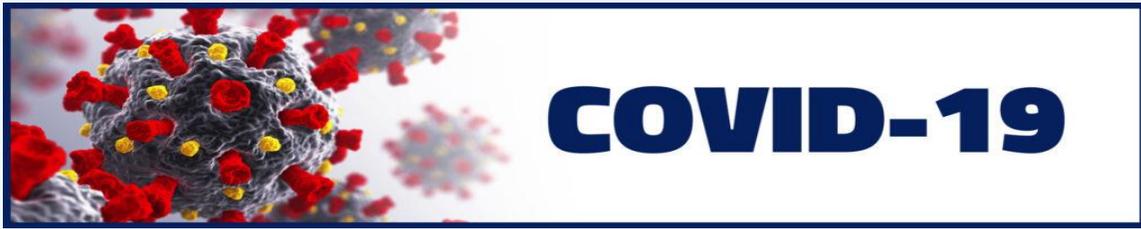
Both the mental health professionals and the legal professionals on the panel emphasized that clear, specific court orders are very helpful in working towards solutions to the family issues. The panelists agreed that having a good parent coordinator or guardian *ad litem* can be very helpful in managing the parties and issues in these cases.

This program was co-sponsored by the New Jersey Psychological Association (NJPA) and the New Jersey Chapter of the AFCC and was pre-approved by New Jersey Psychological Association for 2.0 credits. The Board of Continuing Legal Education of the Supreme Court of New Jersey also approved the seminar for CLE credit for attorneys.

Feedback from seminar attendees was overwhelmingly positive.



Lynn B. Norcia, Esq. is Of Counsel at Starr, Gern, Davison & Rubin in Roseland, NJ. She has been on the Board of NJ-AFCC since 2019 and currently serves as Secretary.



COVID-19 Has Created a New Normal for How Professionals Function

By Marcy Pasternak, Ph.D.

Life has changed for everyone since the onset of the COVID-19 pandemic, as we all have transitioned in some respects to the “new norm”. Both legal and mental health practice have slowly evolved into this new norm, and professionals have done so at different rates and with different modifications to their mode of practice. Life and our practices began to occur on “Zoom” or other remote platforms. Offices and office procedures look different now and run the gamut with regard to procedural changes. Most practitioners now receive Informed Consent to meet in person, and in most cases waiting rooms are no longer used, social distancing takes place, temperatures are taken, hand washing is a must, room purification systems are used, and plexiglass screens have been installed. Practice looks different than it used to. Remote meetings continue to take the place of in-person contact whenever it is possible and appropriate.

Forensic mental health practitioners have had to decide how they are going to conduct forensic evaluations, and two schools of thought have emerged in New Jersey. There are those who believe that evaluations can be conducted entirely remotely and there are those who contend that these must take place in-person or with a hybrid approach heavily weighted with in-person contact. Position papers have been authored, and AFCC’s e-news has published two papers that have been authored primarily by New Jersey forensic mental health practitioners. AFCC National’s remote fall conference, November 9th through 13th, will also address this issue.

The use of remote methodology has become a significant issue in New Jersey as well as across the country, as evaluators grapple with how to produce a quality evaluation of a family while still maintaining as safe an environment for families and professionals. This issue exists whether it be a best interest evaluation, risk assessment, or other focused evaluation. Many professionals have found that other mental health services such as parenting coordination, mediation, and different types of therapy are amenable to remote practice. Some in-person contact has also taken place outdoors for safety reasons. While this appears to be a good alternative, the question remains as to what will happen as winter approaches. Decisions about practice will have to be taken step by step, and will be guided by the New Jersey State directives and CDC guidelines, as well as the level of the pandemic in New Jersey, and developments in treatments and vaccinations as time goes on. Staying safe is always a priority.

***Marcy A. Pasternak, Ph.D., President, NJ-AFCC
Dr. Pasternak is a clinical and forensic psychologist in Watchung, NJ.
She has served on the Board of NJ-AFCC since 1999.***

Custody Disputes in the Time of a Pandemic: How Separated Parents Can Still Find Access to Conflict Resolution Despite In-Person Access Continuing to be an Exception Rather than the Rule

By Thomas DeCataldo, Esq.

The Covid-19 pandemic remains an ongoing public health crisis. Nationwide, over 200,000 lives have been tragically lost. Many businesses have been forced to close or eventually shuttered due to quarantine restrictions. People across the country remain sick, scared, stressed, and demoralized. With no apparent end in sight, it is clear the pandemic remains a daily challenge to everyone's emotional, physical, and mental health.

While the pandemic has impacted many people in countless ways, parties to an ongoing custody and parenting time conflict face unique challenges. Navigating a custody and parenting time dispute is always challenging and emotionally taxing. Doing so at a time when people are stressed, scared, vulnerable to potentially life-threatening illness, the loss of employment, the loss of child-care, or the death/illness of family members, is a sure-fire recipe for increased conflict. The pandemic also presents unprecedented situations that further invite conflict between separated parents, with disputes occurring over social distancing practices, remote learning, travel, allocating responsibility for child care, private schooling and a host of other issues.

As if the confluence of these factors are not in and of themselves challenging enough, to further compound this problem, parents at odds with one another are faced with less access to the Court system than ever before, as nearly all in-person proceedings remain indefinitely suspended. Fortunately, both the New Jersey judiciary and the Association of Family and Conciliation Courts ("AFCC") responded to help.

The Judicial Response to the Public Health Crisis

At the time of the initial shutdown in New Jersey, uncertainty was rampant from both the family law bar and the judiciary. The Supreme Court of New Jersey issued several Omnibus Orders extending discovery deadlines and suspending in-person proceedings. It was unclear when, if at all, ongoing matters would reasonably resume and litigants had no meaningful idea of when their custody disputes would be resolved. Custody evaluations were also largely suspended, and any party considering a new filing had no idea of where their cases would fall in line, as backlogs swelled from county to county.

In response to this crisis, the New Jersey judiciary promptly adapted, implementing many new measures to provide the public with access to justice. One of the most notable changes has been the implementation of the Judiciary Electronic Document Submission system ("JEDS"), which is a website the judiciary developed to allow family part filings to be submitted electronically, replacing the pre-pandemic procedure of manual filings. This system has been implemented throughout the State of New Jersey, and it has facilitated the filing of Complaints, Motions, pre-trial submissions, and correspondence to the Court via electronic submission, allowing self-represented litigants and attorneys working from home to file important documents.

In addition to developing an electronic filing system, the judiciary has also implemented virtual courtrooms through the use of Zoom, and Microsoft Teams. In counties across the state, family part judges are regularly hearing motions, emergent applications, non-dissolution matters, domestic violence proceedings, Case Management Conferences, and even conducting trials via these electronic platforms, thereby enabling cases to progress through the system as normally as possible. In limited circumstances, some counties have also resumed in-person proceedings on a case-by-case basis, though this is generally the exception and not the rule.

By and large, due to the use of improved technology, the court system has regained its ability to move cases and provide conflict resolution to parties at odds over custody and parenting time issues. Therefore, parties in need of judicial resolution to custody and parenting time disputes should not hesitate to contact an experienced family law professional.

AFCC Guidance and Assistance

In response to a host of parenting time problems occurring in the early days of the pandemic, in March the American Academy of Matrimonial Lawyers and the Association of Family and Conciliation Courts released joint guidelines for separated parents. The organizations jointly developed Seven Guidelines to follow during this crisis.¹ The organizations urge parents to comply with existing orders, but also to be flexible and generous with any modifications that may be necessary. They encourage make-up parenting time and virtual access to children through programs such as Facetime. In concluding their joint guidelines, the AAML and AFCC offer the following statement of encouragement to people stressed by the pandemic and concurrent parental conflict:

"Adversity can become an opportunity for parents to come together and focus on what is best for the child. For many children, the strange days of the pandemic will leave vivid memories. It's important for every child to know and remember that both parents did everything they could to explain what was happening and to keep their child safe."

In addition to these suggested guidelines, on a local level many members of the AFCC's New Jersey chapter are ready and willing to assist in conflict resolution. The chapter's membership includes many qualified mediators, parenting coordinators, and professionals qualified to serve as guardian *ad litem*. During a time when it is difficult to access the Court system, the use of experienced professionals in these roles provides a potentially more efficient path to resolution.

Although the pandemic has presented many practical challenges to the adjudication of custody disputes, it is clear that resolving conflict for the best interests of the children of this state remains a high priority to both the judiciary, as well as the AFCC.

¹ The Guidelines are currently available at: [afccnet.org – COVID19 Guidelines for Divorced Parents](https://afccnet.org/COVID19-Guidelines-for-Divorced-Parents)

**Thomas DeCataldo, Esq. is a partner at Skoloff & Wolfe in Livingston, NJ.
He served on the Board of NJ-AFCC between 2017 and 2020.**

Afccnet.org: More than Meets the Eye

By Holly M. Friedland, Esq.

When I speak to members and potential members about the benefits of joining AFCC, we inevitably seem to return to the same subject, resources and education. Over the years I have attended numerous education programs and read countless articles from various professional organizations; and in my humble, and completely unscientific opinion, the programs and articles from AFCC are simply the best. In the past, when I have voiced my opinion with our members, many agreed that they found the programs and materials provided by AFCC to be superior to what they found elsewhere. However, only a few were aware of the fact that many of these resources are available to them online at the AFCC's website. (afccnet.org).

In addition for accessing scholarly studies and articles, members can also access task force reports, sample parenting plans, and professional guidelines through the online resource center. Are you thinking about expanding your practice to include services in mediation or "court involved" therapy? The AFCC has model standards available to guide you. Are you having difficulty formulating a recommendation or requests for a parenting schedule? The "Resources for Professionals" section provides guides and templates from four different jurisdictions to assist you. Having difficulty dealing with self-represented parties, there's a guide for that. There is even a study detailing the experiences and perceived pitfalls of self-represented parties available for your consideration. (Cases Without Counsel: Experiences of Self-Representation in U.S. Family Court; Institute for the Advancement of the American Legal System. 2016.)

The AFCC Website even provides its members with resources for their clients under their "Resources for Families" tab. There is an entire "Pamphlets for Parents" section providing resources including frequently asked questions, guides on joint legal custody, and even suggestions on how to help children cope with their parents' divorce. (Parents are Forever. 2003)

So, next time you are researching a new subject, grappling with a professional conundrum, or even just looking for some materials and suggestions to assist you with a difficult case, remember to take advantage of the resources available to you online through your membership in the AFCC. It's probably one of the reasons you joined AFCC in the first place.



Holly Friedland, Esq. is a partner at Jacobs Berger, LLC in Morristown, New Jersey. She has been a member of AFCC since 2012 and has served on the Board of NJ-AFCC since 2018.

Dr. Lisa Tomasini

Chosen as this year's Phil Sobel Award Recipient At First Remote Annual Meeting of the New Jersey Chapter

By Amy Wechsler, Esq.



Each year, NJ-AFCC holds an annual dinner meeting at which we elect our new officers and board members, present the Phil Sobel Award to one of our chapter members, and offer an educational seminar on challenging issues we face as professionals working with families struggling with separation and divorce. This year, when COVID-19 prevented us from getting together for dinner, we proceeded, for the first time in the history of the Chapter, to hold our annual meeting via Zoom on April 23, 2020 during which the chapter elected new board members and presented the respected Phil Sobel Award. The participating members elected two new Board of Directors members, the Hon. James Farber, J.S.C. (ret.) and Jodi Argentino, Esq., (see their introductory bios elsewhere in this newsletter). Our officers are: President: Marcy Pasternak, Ph.D.; President-Elect: Denise Wennogle, Esq.; Vice President: Linda Schofel, Esq., LCSW; Secretary: Lynn Norcia, Esq.; Treasurer: Tam Abitante, Esq., and Immediate Past President: Amy Wechsler, Esq. Our Directors are: Lidia Abrams, Ph.D., Jodi Argentino, Esq., Janet Berson, Ph.D., James Farber, J.S.C. (ret.), Holly Friedland, Esq., Cynthia Lischick, Ph.D., and Joseph Racite, Ph.D.

The Phil Sobel Award is an honor presented each year to a chapter member who epitomizes the goals and values of our long-time former president and his vision of a respectful and fair process by which families can navigate the transitions of separation and divorce. Phil sought to effectuate changes on individual as well as systemic levels to make family law practice kinder, gentler and more responsive to families in conflict.

This year, the Phil Sobel Award was awarded to Dr. Lisa Tomasini. Matthias Hagovsky, Ph.D., one of Lisa's mentors and colleagues, spoke on her behalf at the annual meeting. Lisa joined the New Jersey chapter many years ago. She was a certified school psychologist for several years and, in the process of obtaining her psychology license, she worked and was supervised by Dr. Hagovsky. It was while working with Dr. Hagovsky that Lisa took an interest in forensic psychology. When Lisa learned that an AFCC chapter formed in New Jersey, she quickly joined and was eventually elected to the Board of Directors, where she served as Secretary for several years, until being chosen as President-Elect. Lisa was scheduled to take over the presidency when she suffered a debilitating illness that prevented her from continuing to serve on the Board or in her career. Until that time, as Matt pointed out in his remarks, Lisa was devoted to the well-being of the children she served and to excellence in practice. She honed her craft as a forensic psychologist, tracking down information to answer difficult questions about testing, test interpretation, family dynamics, and child development. Matt and his colleagues valued Lisa's contributions and all those who worked with her miss her dearly. Lisa was unable to attend the annual meeting, and her three children, Andrew, Elena and Lucas, graciously accepted the award on her behalf.

***Amy Wechsler, Esq., is a partner at Shimalla, Wechsler, Lepp & D'Onofrio, LLP in Warren, NJ.
She has served on the Board of NJ-AFCC since 2003 and is the Immediate Past President.***

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Past Presidents

- Ron G. Silikovitz, Ph.D. (1999 – 2002)
Co-founder of Chapter
- Philip N. Sobel, Esq. (2002 – 2007)
Co-founder of Chapter
- Sharon Ryan Montgomery, Psy. D. (2007 – 2009)
- Frank Weiss, Ph.D. (2009 – 2010)
- Barbara Worth, Esq., Ph.D. (2010 – 2013)
- Ann Scucci Ordway, Esq., Ph.D. (2013 – 2015)
- Gregg Benson, MA, LCADC (2015 – 2017)

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- Lynn B. Norcia, Esq. - Chairperson
- Thomas DeCataldo, Esq.
- Marcy Pasternak, Ph.D.
- Amy Wechsler, Esq.
- Nancy Andreasen – Layout and Design

**For more information about the
New Jersey Chapter of the AFCC go to:**

afcc-nj.org

Or send us an email!

afccnewjersey@gmail.com

***Welcome to our new board members:
Jodi Argentino and James Farber***

Jodi Argentino

Jodi Argentino is the Managing Partner of Argentino, Fiore Law & Advocacy, LLC (with offices in NJ and NY). Jo focuses her practice on complex family law issues involving LGBTQ+ parents and children, multi-parent or partner families, and neurodiverse families and parents and/or children with mental health or intellectual disabilities. She particularly enjoys her Guardian ad Litem and Parent Coordination work given the child-centric nature of those roles. She recently earned her Master of Science in Child and Adolescent Developmental Psychology, focusing largely on the neurobiological/developmental effects on young children when they suffer trauma, such as neglect or separation from a known caregiver. Throughout her studies and in her Capstone project for her Masters, Jodi has focused on the importance of affirming LGBTQ+ youth in custody matters. Jo is also extremely active in her local and national bar associations, and she was recognized in 2015 as one of the National LGBT Bar Association's Best LGBT Attorneys Under 40.

Jo lives in Montclair and is a proud parent in a blended family complete with multiple co-parents and amazing children who are neurodiverse and gender diverse, all of whom inspire the work she does every day. Her work and family perspectives will be a valuable asset to our chapter. Welcome to the board, Jo!

Hon. James A. Farber (Ret.)

After graduating from law school in 1976, Judge Farber enjoyed a distinguished legal career, first in the public sector working for the city of Paterson, and then in private practice as a lead transactional lawyer in the negotiation, preparation and drafting of contracts and legal documents. In 2001, he was appointed to serve as a Superior Court Judge, assigned to Sussex County, where he remained until 2018 when he retired.

Although Judge Farber's career had focused on government and contract matters, as a judge, he spent 13 of his 15 years in the Family Division, primarily handling matrimonial matters, and presiding over children in court cases. His experience there led him to see the need for alternative dispute resolution mechanisms to reduce the pressure of court case loads and backlogs for family cases. Even more important, he understood how litigants fare better when they can use mediation and collaboration to resolve disputes, determine their own futures and thereby become vested in implementing their agreements. As he observed, "parties are happier, tensions are reduced, and most importantly, children suffer less" when families choose alternatives to litigation.

With a commitment to helping families and children find better alternatives, Judge Farber brings a valuable judicial viewpoint to the NJ-AFCC Chapter Board, and we look forward to working with him. Welcome Judge Farber!