

Minutes of the Family Law Advisory Group (FLAG)
October 27, 2008

In Attendance: Tosha Fernandez, Jennifer Kirkhart Curcio, Flint Crump, Leslie Haswell, Pete Enwall, Allie Freshman, Cody Galloway, Russell Clifton, Rosa West, C. Gary Moody, Jim Nilon, Nancy T. Baldwin, Nancy Huggard, Beverly Graper, Bill Farley, Glenna Auxier, Kathrin Brantley, Myrna Neims, Mark Mosely, Ruth Angaran, Stephen A. Giunta, Randi Nincher, Jill Conti, Cynthia Swanson, Tracey Carlisle.

Introductions of those present were made.

The September minutes were reviewed and no revisions or changes were suggested.

Old Business:

Ruth Angaran discussed the proposed Parenting Plan and advised that it was not yet on the website but should be there soon for people to review and comment on. The purpose of the proposed plan is to provide a checklist for parents and others to keep in mind when preparing a Parenting Plan. FLAFCC has worked on both a Parenting Plan and a Parenting Plan Curriculum that is research based. They will be providing daylong workshops in various regions of the state. Arlene Huszar is looking into the possibility of having one in this area.

Arlene is also arranging for a Domestic Violence Training presented by Judge Ray McNeal (retired) to be held on March 23, 2009.

The Nominating Committee is still looking for someone to chair the FLAG beginning in January 2009.

Program: Round Table between various attorneys, mental health providers and judges on issues involving families, family law and the Courts. Some questions were submitted to the Chairperson.

The first question expressed concern about the alienating parent gaining "custody" of a child or children. Judge Nilon raised the issue of Parental Alienation Syndrome not being recognized. Kathrin Brantley clarified that it is not considered a syndrome because it is not a recognized classification but stated that parental alienation exists. It was stated that often times "aggressive lawyering" allows the offending parent to gain custody. It was pointed out that in Florida the FRYE standard applies. It was stated that it is important to take into consideration the age of the child. Discussion centered on the advisability of forcing children to see parents, particularly in the case of adolescents who threaten destructive behaviors like running away or suicide. Judge Mosely stated that he felt it was generally easy to see the issue but that the solution was difficult. He said that counselors can help if parents can afford it. He felt that having the Court talk with the children can help, as well. Dr. Brantley stated that the children who have rejected a parent have long-term problems. It was requested that if there are reports from experts

regarding these kinds of cases that they be presented to the Court ahead of time so that the Judge involved can have time to review it. It was suggested that Attorneys have the parents come to the first status conference. This will allow the judges to inform parents of the importance of their cooperation. Glenna Auxier stated that the Divorce Resolution classes were not as effective as they could be because parents were not taking the course early enough in the process. It was reported that in general reunification efforts are successful when ordered through the court. Judge Nilon stated that he attempts to give alienated parents time with the child(ren)

Gary Moody asked about the retrospective impact of the New Statute. Both Judge Mosely and Judge Nilon that while they would accept a parenting plan on cases filed prior to October 1, 2008, they consider those cases to be under the old statute.

Both judges asked that attorneys introduce evidence that addresses the statutory factors and not focus on irrelevant matters.

A recommended topic for a future meeting was guidelines for when children testify.

The meeting was adjourned at 5:30 PM.

Next meeting is Monday, November 24th at 4 PM. The topic will be Collaborative Divorce What It Is and How It Is Working.

Respectfully submitted,

Randi Dincher