

**Eighth Judicial Circuit Family Law Advisory Group (FLAG)**  
**Minutes of January 28, 2008**

The FLAG met on Monday, January 28, 2008 at the Alachua County Family and Civil Justice Center. Present were: Ruth Angaran, Harvey Baxter, Russell Clifton, Jill Conti, Tom Dikel, Randi Dincher, Pete Enwall, Josh Fischer, Arlene Huszar, Earl McDow, Myrna Neims, Judge James P. Nilon, Leon Plympton, Candace Valenstein, and Nancy Wilkov. Also present was Judge Nilon's extern, Courtney Holland.

The Planning Committee, including Randi Dincher, Myrna Neims, and Judge Nilon, gave a report on their meeting with Judge McDonald. Subjects that could be presented this year include: parenting coordination; shared parental responsibility; and the Keeping Children Safe Act.

The Website Committee report was given by Ruth Angaran. They are 90% sure they have covered all the bases in putting together a generic form that parents can use to make sure they are covering all the issues when developing a parenting plan. Once it is complete, the document will be posted on the FLAG website. The committee's next project is to craft a document that will be a link to a parenting plan that takes into consideration the age of the child. It will include links to school calendars so people can just click to find out when school holidays are scheduled.

There was once again discussion about visitation guidelines. Those in favor prefer having a standard that they can tell people to expect except in unusual circumstances. Those opposed do not like the fact that guidelines appear to create a presumption that would have to be rebutted in order to do anything different. The Website Committee will present a program to the FLAG on this in the near future.

The Committee would also like to provide links for resources such as articles and forms. Before posting these, they will seek the approval of Judge McDonald.

Earl McDow from Trinity United Methodist Church spoke briefly about a program they are offering called "Rebuilding: After the Relationship Ends." It is based on a book by the same name written by Bruce Fisher. The class is 8 sessions starting on February 24 and it is free.

Ruth Angaran announced that there will be a collaborative law training at the UF College of Law on February 29 and March 1. It is intended for professionals who want to participate in this process including attorneys, mental health professionals, and accountants.

Our speaker was Dr. Candace Valenstein who gave a presentation about custody evaluations. She noted that fewer and fewer people are doing custody evaluations because they have the highest rate of Board complaints and the highest rate of physical assaults on the practitioner.

She described full evaluations in which the evaluator must investigate all the issues and interview everyone involved with the family. Testing ordinarily includes the Parenting Stress Index or the Parent/Child Relationship Inventory, the Child Abuse

Potential Inventory, and the MMPI or PAI. Test results must be supported by interviews and observations. Brief or abbreviated evaluations may be appropriate for parents who do not have an extensive history of accusations against one another. Focused evaluations are not really custody evaluations but focus only on one issue of contention. In those, the evaluator would only interview the party in question. It should be up to the mental health practitioner to determine what type of evaluation is needed.

There is an expectation that full evaluations will be done in 90 days but that is not always possible. The court needs to put the practitioner on the certificate of service when ordering the evaluation so there will not be a delay while an attorney transmits the order. Attorneys should contact the practitioner before the order is entered to make sure they are available to do the evaluation in the expected time frame.

The evaluator has to have access to all the parties and collaterals to be interviewed. The parties or their attorneys should contact the practitioner right away to get the process started. They will need to sign a contract. Paperwork will be given to them to fill out and it must be turned in promptly.

Judge Nilon noted that, if the attorneys agree that they want a custody evaluation, the judge will usually order it because the judge can always use more information. The evaluation is submitted to the attorneys. This often leads to settlement in which case the court would never see the evaluation.

The evaluators do not have a preferred form for the order appointing them. They are not looking for power; they are looking for clarity in what they are to do.

Russell Clifton, Candy Valenstein, and Ruth Angaran offered to work on a form contract.

**The next meeting of the FLAG will be Monday, February 18, 2008 at which Dr. Harry Krop will discuss parent alienation.**