



Colorado Office of the Child's Representative Domestic Relations Conference

- AGENDA -

Pueblo Community College ■ Student Center, Fortino Ballroom A ■ 900 W. Orman Ave, Pueblo, CO 81004

Thursday, April 18th, 2013

8:00-8:45 a.m.	■ <i>Registration & Continental Breakfast</i>
8:45-9:00 a.m.	Opening Comments <i>Linda Weinerman, J.D., OCR Executive Director</i>
9:00-9:45 a.m.	Because Children Matter <i>Hon. Dennis Maes, Retired Tenth Judicial District Chief Judge</i> In this session, retired Tenth Judicial District Chief Judge Dennis Maes will talk about his experiences on the bench, the programs he spearheaded to positively impact children and families who came before the courts in his district, and the perspective he has developed on the moral, ethical, and legal obligations to children that we, as professionals working with the judicial system, all have.
9:45-10:00 a.m.	■ <i>Coffee Break</i>
10:00-11:00 a.m.	Difficult Issues: Relocation & Alienation <i>Robert M. Smith, J.D., Attorney-Mediator</i> This fast-paced session will cover two of the most difficult types of domestic relations cases with which CFIs and CLRs have to contend: relocation requests by parents who want to move with the children a significant distance away from the other parent and cases in which a child resists parenting. The relocation portion will include details about the two 2005 Colorado Supreme Court cases— <i>Spahmer v. Gullette</i> and <i>In re Marriage of Ciesluk</i> – that supplanted the older <i>Francis</i> decision, and highlight the specific questions CFIs and CLRs need to address in order for the Court to make an appropriate decision. The alienation portion will provide a brief history of the issue and discuss why Parental Alienation Syndrome is not generally accepted by US Courts and how the Child Alienation Model discussed in two special issues of <i>Family Court Review</i> and proposed in 2001 is a useful method for consideration of the continuum of factual possibilities and appropriate recommendations in alienation cases.
11:00-12:00 p.m.	Allocation of Parental Responsibility to Third Party Non-Parents: Standing, Presumptions, and Burdens of Proof <i>Steve Epstein, J.D.</i> Due to demographic, cultural and societal evolution, many children are being raised by non-parents. This session will explore the ongoing evaluation of Colorado law with respect to third party parenting rights and the tension between these rights and the constitutional and statutory rights of biological parents. Recent cases and their practical implications will be discussed.
12:00-1:00 p.m.	■ <i>Lunch Provided</i>

Thursday, April 18th, 2013

1:00 – 2:15 p.m	<p>The Role of the Child’s Perspective in Domestic Relations Cases <i>Frances C. Fontana, J.D.</i></p> <p>C.R.S. 14-10-124 requires that a child’s wishes must be considered as part of the court’s best interest determination but does not provide specific guidance regarding the presentation of the child’s wishes or the weight to give to these wishes. This session will include a discussion about the difference between the wishes of children and the best interests of children, how to effectively ascertain and present the wishes of children; considerations regarding the weight to be given to children’s wishes; how to determine whether to request that the Court interview children as part of the proceedings; and competing views regarding the extent to which it is important for children to be involved in the process and the appropriate way to involve them.</p>
2:15 – 3:15 p.m	<p>Colorado Legislative & Legal Update <i>Dorothy Macias, J.D., OCR Staff Attorney & Legislative Liaison</i> <i>Sheri Danz, J.D., OCR Deputy Director</i></p> <p>The first regular session of the Sixty-ninth General Assembly has enacted and will continue to consider many issues relevant to your practice in family law and domestic relations. Receive an up-to-the-minute report on legislation including the Civil Union Bill, the New Maintenance Formula, and revisions to Child Support, Parenting time considerations, and Protective Orders. The Colorado Supreme Court’s recent decision in <i>L.A.N. v. L.M.B.</i> and its potential implications for CLRs will also be discussed.</p>
3:15-3:30 p.m.	<p>■ <i>Coffee Break</i></p>
3:30-4:00 p.m.	<p>OCR Billing for CFIs & CLRs/Indigence Determinations <i>Melanie Jannicelli, Attorney Reimbursement & HR Manager, OCR</i></p> <p>Billing in the OCR CARES system for DR cases is different than billing for other case types and requires a few additional steps. This session will explore the ins and outs of attorney billing for OCR Domestic Relations cases. We want to ensure that CFI/CLR attorneys understand the nuances of billing for DR cases and how to effectively provide documentation to make the process most efficient. Topics include orders of appointment, indigence determinations, and requesting excess fees.</p>
4:00-5:30 p.m.	<p>Making Life & Death Decisions in a Fast Paced World: Challenges to Fairness <i>Hon. Robert Lowenbach, Retired Colorado District Court Judge</i> <i>Jack J. Gardner, Psy.D.; Licensed Psychologist</i></p> <p>Judges aren’t the only persons making important decisions affecting children and families. Caseworkers, attorneys, guardians ad litem, foster parents, counselors, psychologists and others also make decisions that are of critical importance. Decision-makers in the child welfare system often feel that the weight of the world is upon their shoulders. This session is designed to explore “implicit bias” and its implications for decision-making by the stakeholders. Participants will gain a better understanding of how their brain sorts information when making decisions, when they should trust their “gut instincts” and when they should demand more time or information. Participants will also learn how our experience shapes all of our decisions and sometimes leads us to decisions that are influenced by improper biases. Armed with this knowledge, participants will be offered a “tool box” of strategies to recognize and defeat these unwelcome biases and to become better and more ethical decision makers.</p>
6:00-7:30 p.m.	<p>■ Please Join us for a Networking Reception at Rosario’s Riverwalk Restaurant <i>101 South Main Street Pueblo, CO 81003</i></p>

Friday, April 19th, 2013

8:30-9:00 a.m.	■ <i>Continental Breakfast</i>
9:00-10:00 a.m.	<p>Ethical & Legal Responsibilities of the Different Appointment Roles in Domestic Relations for Attorneys <i>Magistrate Laurie Clark, 17th Judicial District</i></p> <p>This session will include a discussion of the different appointments the Court orders in Domestic Relations cases, including the differences between a Child’s Legal Representative (CLR), Child and Family Investigator (CFI), a Guardian <i>ad litem</i> (GAL), and a Parental Responsibility Evaluator (PRE). The authority for the appointment, roles and responsibilities of those appointments, the ethical concerns for attorneys who are appointed to those roles, and general expectations of the Court will be discussed.</p>
10:00-11:00 a.m.	<p>❖ Keynote Speaker: Perspective from the Bench <i>Colorado Supreme Court Chief Justice Michael L. Bender</i></p> <p>In this keynote session, we are honored to have Chief Justice Michael L. Bender share his experiences on the bench and perspectives on domestic relations law. A graduate of the University of Colorado Law School and former public defender and private lawyer, Chief Justice Bender was appointed to the Colorado Supreme Court in 1977 and became Chief Justice in 2010. In his years in practice and on the bench, Chief Justice Bender has earned numerous honors and repeatedly demonstrated his commitment to public service work, legal professionalism, and dedication to the community.</p>
11:00-11:15 a.m.	■ <i>Coffee Break</i>
11:15-12:30 p.m.	<p>Recognizing & Responding to Domestic Violence <i>Hon. Victor Reyes, Colorado District Court Judge</i> <i>Amy Miller, Public Policy Director, Colorado Coalition Against Domestic Violence</i></p> <p>The session will provide an overview of the general family dynamics present in domestic violence situations and a discussion of how to address those dynamics in the context of a domestic relations action. General behaviors of domestic violence offenders and domestic violence victims, as well as the impact of this family dynamic on children, will be covered in the first 45 minutes of the presentation. The remainder of the presentation will focus on best practices and tools for responding to families affected by domestic violence as they seek domestic relations orders.</p>
12:30-1:30 p.m.	■ <i>Lunch Provided</i>
1:30-2:30 p.m.	<p>Parenting Plans: Science, Art and Common Sense <i>Shirley Thomas, Ph.D.; Psychologist, Private Practice</i></p> <p>Parenting plans include more than a schedule for children traveling between two homes. This session will cover the social science behind structuring parenting time, assessing a child’s developmental factors, and creating effective parenting plans. Areas of insufficient research will also be identified and tips and practical tools will be included for development of parenting plans on a case-by-case basis.</p>
2:30-2:45 p.m.	■ <i>Coffee Break</i>

Friday, April 19th, 2013

<p>2:45-3:45 p.m.</p>	<p>Colorado’s Differential Response Model <i>Ashleigh Rankin, Child Protection Intake Administrator, CDHS</i> <i>Ida Drury, MSW, CAPTA/CJA Administrator for CDHS</i></p> <p>Come learn about Colorado’s Differential Response model! This breakout session will provide an experiential format to ensure you have fun while learning about Differential Response, how it is being implemented in the State of Colorado, and how it will affect the various stages of Child Welfare. This session will also provide a brief overview of the rules and procedures around investigation and assessment, including a discussion of expected changes to the rules.</p>
<p>3:45-4:45 p.m.</p>	<p>Early Neutral Assessment Workshop <i>Robert M. Smith, J.D., Attorney-Mediator</i> <i>Sue A. Waters, M.A., L.P.C.</i></p> <p>This session will describe in detail one of the most promising Alternative Dispute Resolution (ADR) methods currently available and will explain why the Adams District Court model of Early Neutral Assessment (ENA) has been chosen by the Colorado Supreme Court to be adopted throughout the state. The ENA process has been embraced in cases where one or both parents appear <i>pro se</i>, which may indicate that separating parents are searching for a viable alternative to the adversarial legal system. The presenters, who have been working as one of Adams’s two ENA teams for the past five years, will describe the reasoning behind the model’s success with many domestic relations cases and will identify the case types that are not appropriate for ENA. The presenters will provide sample questions they use to glean the information needed to assist parents and will provide the latest available statistics from both the initial Adams Pilot Program and the subsequent ENA cases conducted in the Adams District.</p>
<p>4:45 p.m.</p>	<p>■ <i>Closing Comments</i></p>