



2020 VTLA ADVANCED FAMILY LAW RETREAT

CUSTODY & VISITATION: Difficult Topics in Difficult Cases

February 21-22

Hyatt Regency Chesapeake Bay Golf Resort, Cambridge, MD

Retreat Chair: Melanie C. Rice, *Nichols Zauzig*, Woodbridge

Friday, February 21st

1:00 p.m. **Welcome and Introduction**

1:15 **Defining Family Abuse** (CLE=30 mins)

Rebecca J. Wade, *Wade, Grimes, Friedman, Meinken & Leischner, PLLC*, Alexandria

What is the current definition of Family Abuse in the state of Virginia, and a discussion of how that definition may be changing in the future. We will also discuss the practical application of the defining family abuse, and how that impacts cases from protective order cases, to divorce and custody and visitation cases in terms of proving (or disproving) allegations of family abuse.

1:45 **Domestic Violence: Judges and the Courts** (CLE=60 mins)

Madelynn Herman, Dept. of Judicial Planning, *Office of the Executive Secretary, Supreme Court of Virginia*, Richmond

What is the training and experience that judges have in domestic violence, both before they take the bench, and then ongoing after they are sitting? We will have a presentation from the Supreme Court of Virginia on the type of training and resources that are available to judges, to better assist attorneys in understanding what the judges hearing their cases may or may not understand about domestic violence issues. We will also hear from a judge about how they apply this information to their cases, especially in the family law realm.

2:45 **Ethical Tips for Interacting with a Guardian *ad Litem*** (CLE=60 mins)

Laura C. Dove, *Mullett Dove Meacham & Bradley*, Arlington

A reminder for all of us about making sure we are working ethically with a Guardian *ad Litem*, and how we can still present our best cases, and ensure that we do not run afoul of the rules when there is another attorney involved who is solely representing the interests of the children in a case. This will entail even the practical considerations of what correspondence, pleadings, etc. do you need to include a GAL on, when you can and can't talk to children in a case, or even other professionals (therapists, etc.) when there is a GAL involved.

3:45 **Break**

4:00 **The Duties and Responsibilities of a Guardian *ad Litem*** (CLE=45 mins)
Karen Hainer, *Hainer Porras*, Alexandria, and Erika E. MacCormac, *Winslow & McCurry*, Midlothian

After exploring our ethical obligations as attorneys with a GAL, what are the duties of those Guardians? Is there a limit to what GAL's can do in a case? This topic will explore what trial tools GAL's are free to use, including discussions of evidentiary issues that often arise in cases with GALs.

4:45-5:30 **Roundtable Discussion** (no CLE)

This is an opportunity for all the participants to discuss the above topics and questions and issues raised, and to get input from other practitioners and judges regarding trial strategies and tools to better work with clients, other attorneys and the courts when these issues present themselves in your case.

6:30 **Dinner**

Saturday, February 22nd

8:30 a.m. **Breakfast**

9:00 **Point | CounterPoint: Trial Strategy in Alienation Cases** (CLE=60 mins)
David D. Masterman, *Masterman Krogmann*, McLean, and Susan Massie Hicks, *Hicks Crandall Juhl*, Fairfax

Cases with issues of parental alienation are some of the most challenging, and this session will have two outstanding trial attorneys present on strategies and tips for preparing for trial and presenting evidence when this issue is involved in your case. This will include discussions of some of the current case law and arguments related to defining and proving parental alienation.

10:00 **Reunification Therapy: How to Make It Work. When Can It Work?** (CLE=60 mins)
Arnold L. Stolberg, PhD, *Virginia Commonwealth University*, Richmond

A well-known reunification therapist will present on exactly what reunification therapy is, and how it can be an effective tool in custody and visitation cases when parental alienation is an issue. There will also be some discussion on when reunification therapy might not be appropriate or the best remedy in your case.

11:00 **Break**

11:15 **Judges Discussion on Alienation & Reunification** (CLE=60 mins)
Moderated by James R. Cottrell, *Cottrell Fletcher & Cottrell PC*, Alexandria

The judges on the panel will give us their take on how they approach issues of alienation in their cases, and what the options are legally for remedies in these types

of situations. There will be some discussion too as to evidentiary issues that can arise in attempting to prove alienation, and how attorneys can overcome those issues.

12:15 p.m. **Lunch**

1:00 **Substance Use Disorders and Evidentiary Issues** (CLE=60 mins)
Brian H. Jones, *Barnes & Diehl*, Richmond, and Cyndi Turner, LCSW, LSATP, MAC,
Insight Into Action Therapy, Ashburn

This session will deal with first how to identify and understand substance abuse issues, and then how best to deal with proving these issues in court. There will be discussion on how substance use disorders truly impact family law cases and the family law dynamic from all aspects, including financially, emotionally and physically.

2:00 **Child Abuse and Child Welfare Law from a County Attorney's Perspective**
(CLE=60 mins)
Leslie Barnes, Assistant County Attorney, *Loudoun County Attorney's Office*

A county attorney who routinely handles child welfare and abuse and neglect cases will provide a close-up look at what the laws are surrounding child abuse and neglect cases, foster care, as well as parental termination issues.

3:00 **Break**

3:15 **Physical Discipline – Is It Abuse?** (CLE=45 mins)
Erik Baines, *Barnes & Diehl*, Richmond

As a follow-up to the previous topic, we will examine what physical discipline is acceptable in Virginia, and what the laws are surrounding a parent's use of physical discipline. There will also be discussion about how to handle cases when physical discipline crosses the line and becomes an open abuse and neglect case.

4:00 **Roundtable Discussion** (no CLE)

This provides an opportunity for the participants, presenters, and judges to discuss all of the issues raised during these sessions and again discuss practical pointers for how to deal with clients and other attorneys when these issues are present in your case.

4:30 **Adjournment**

Participating Judges:

Hon M. Duncan Minton Jr., Chesterfield Juvenile and Domestic Relations District Court

CLE = 9.0 hours / 1.0 hr Ethics *pending*