



### 2017-18 ANNUAL REPORT



*The Children and Family Law Center at Washburn University School of Law prepares law students to provide high-quality legal representation for children and to advocate to improve the quality of justice for children and their families.*

#### DIRECTOR'S MESSAGE

## *Children and Family Law Center Encourages Family Advocacy*

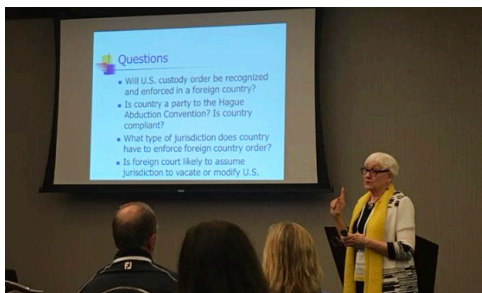


**LINDA ELROD, '72**  
Richard S. Righter  
Distinguished Professor  
of Law

The Children and Family Law Center is celebrating its 17th year at Washburn Law. Although Washburn has had a concentration in family law since 1994, and Wade Bowie Jr. was the first lawyer to earn a family law certificate in 1998, the Children and Family Law Center (CFLC) itself was the first Center for Excellence, officially established in 2001. From the beginning, the Center has enjoyed the support of alumni, several of whom have made significant contributions in time and money.

Over the years Nancy Maxwell, Sheila Reynolds, and **Lynette Petty, '87**, helped me with Center programs. They are all retired. In the fall of 2017, Associate Professor Gillian Chadwick joined the Washburn Law Clinic, handling cases in family law, immigration, and domestic violence. Gillian has been a great addition to the CFLC and jumped in immediately to help with activities. She has written an article, testified before the legislature, helped write appellate briefs, done intake in DV cases, and helped students work on a variety of projects.

The CFLC remained active this year, starting in the fall by hosting a "Judge in Residence" from Uganda. The following pages show several of our Lunch and Learn presentations on an assortment of topics. There were volunteer activities and a practitioner/scholar in residence in the spring. Two students earned the family law certificate in December 2017.



*Elrod presenting "Family Law Update: International, National and State" for the 29th Annual Ellis County Bar Association and Gene F. Anderson Memorial CLE on May 4, 2018, in Hays, Kansas.*

I have also been busy. In the fall, I made three presentations, and attended ABA Family Law meetings and the Uniform Family Law Joint Editorial Board for which I am Reporter. I made five CLE presentations during the spring semester.

One of the more memorable trips was to Scotland in March. Edinburgh Law School hosted a family law conference,

"Changing Family Forms." The keynote speaker was Sir James Munby, President of the Family Division of the High Court of England and Wales, who detailed five changes that could help families in court. Dr. Gillian Black, senior lecturer in law, invited me to speak.



*Elrod with Dr. Gillian Black of Edinburgh Law School.*

I spoke on "Trends in Relocation Law: Evaluating a Child's Best Interests." Because the conference was spring break week, I was able to spend a couple extra days to see Holyrood House, St. Giles Church with the Order of the Thistle, the Royal yacht, and the bees at Rosslyn Chapel!



*Elrod presenting at Edinburgh Law School in March 2018.*

## Family Law CLE Programs

### ADVANCED FAMILY LAW



*Professor and CFLC Director Linda Elrod*

The Kansas chapter of the American Academy of Matrimonial Lawyers (AAML) and the Children and Family Law Center cosponsored an Advanced Family Law CLE at the Ambassador Hotel in Wichita, Kansas on September 22, 2017.

New Jersey attorney Dale Console spoke on “Understanding Arbitration: Who’s Afraid of Virginia Woolf?” She dispelled the myths that family law arbitration is binding, unappealable, and cost-prohibitive. She highlighted the Uniform Arbitration Act, the Revised Uniform Arbitration Act, and the new Uniform Family Law Arbitration Act. Console also detailed techniques to manage issues that arise in arbitration and to draft “bullet-proof” arbitration agreements.

Scott Mann and Elizabeth Hill of Collaborative Divorce Kansas City LLC explained the interdisciplinary team approach for collaborative divorce and how to create it. Elrod discussed the new ABA Formal Ethics Opinion on the lawyer’s obligation to protect client materials in a cyber world.

Chicago divorce lawyer Jeff Brend teamed with Steve Blaylock, family law practitioner from Wichita, Kansas to discuss the various items that can comprise income for setting child

and spousal support—including pirate treasure! The program ended with Ten Hot Tips from Ten AAML fellows.

### EVALUATING ALTERNATIVES, MAKING GOOD CHOICES

“Evaluating Alternatives, Making Good Choices: Family Law’s Use of Case Management and ADR,” sponsored by the CFLC, was held at Washburn on December 8, 2017.

As case management has changed, with more emphasis now on parent coordination and mediation, our program has changed. This year included a presentation by **Dr. Bud Dale, '09**, licensed Ph.D. psychologist and attorney, on “How to Understand and Work with a Parent Who has a Personality Disorder” and a discussion of the DSM-5 classifications.

**Emily Hartz, '01**, with Sloan Law Firm; Reggie Jackson with Jackson Psychotherapy & Satori Program, Lawrence, Kansas; and Shannon Reid with the Willow Domestic Violence Program in Lawrence, Kansas, offered suggestions for “Domestic Violence Safety Planning in the Divorce Context.” Bethany Roberts, family law practitioner, advised attendees on the ethical rules as applied to lawyers serving as neutrals.

Ronnie Beach, Conflict Resolution Services, Inc., Olathe, Kansas, facilitated a conversation between two parents about “What It’s Like to be Parent Coordinated.” **Steve Henry, '04**, discussed the challenges case managers face in helping clients make difficult decisions that they either do not want or cannot seem to make.

**Larry Rute, '73**, reported on the proposals the Dispute Resolution

Advisory Council made to the Kansas Supreme Court last fall.

The Honorable Kevin O’Grady, third judicial district, provided insights into what types of parenting plan provisions help high-conflict families. The last speaker, **Rebecca Gerhardt, '05**, staff counsel at the Kansas Department for Children and Families, discussed mandatory reporting of abuse and the three-tiered funding structure that went into effect in 2015.



*Bud Dale, '09*



*Ronnie Beach*



*The Hon. Kevin O'Grady*

## CFLC LUNCH AND LEARNS

### *DACA – Law, Politics, and What You Can Do*



#### GILLIAN CHADWICK AND DAVID RUBENSTEIN

On September 27, 2017, Washburn Law Professors Gillian Chadwick and David Rubenstein presented “DACA – Law, Politics & What You Can Do.” They explained DACA, its processes, and the implications of the federal removal of DACA protections for

immigrants and immigration law professionals.

### *Using ADR to Promote International Human Rights*



#### HON. JULIET HARTY HATANGA

On October 2, 2017, The Honorable Juliet Harty Hatanga, magistrate, City Hall Court in Uganda, presented “Using ADR to Promote International Human Rights.” Hatanga is a former fellow of the Leadership and Advocacy for Women in Africa (LAWA) Fellowship Program, Georgetown

University Law Center. She has served as a magistrate judge in Kampala, Uganda, since 2007.

### *A Child's Right to Free and Appropriate Education*



#### BETHANY J. ROBERTS

On October 26, 2017, Washburn Law Adjunct Professor Bethany J. Roberts, attorney with Barber Emerson, L.C. in Lawrence, Kansas, presented “A Child's Right to Free & Appropriate Education.” She offered insights about working with children in the legal system and issues regarding access to

special and regular education services.

### *Mediation and Military Families*



#### TONYA RICKLEFS

On November 7, 2017, Washburn University Assistant Professor of Social Work Tonya Ricklefs discussed challenges in mediating domestic cases for military families, including the overlay of military law and civilian law, and the difficulty of mediating over long distances.

### *Advocating for Abused and Neglected Children*



#### LIZ BILLINGER, '15

On February 5, 2018, Liz Billinger, '15, an ADA at the Johnson County District Attorney's Office focusing on CINC and Juvenile Offender cases, presented “Advocating for Abused and Neglected Children through the Child in Need of Care Law.” She explained when a child

may be allowed to testify by video, discussed reasonable efforts that must be made prior to the termination of parental rights, and noted the absence of a right to a speedy trial for a juvenile in Kansas. She also provided a summary of pending legislation to keep an eye on that may have an impact on these proceedings.

### *Child Participation in Family Separation Disputes*



#### STACEY PLATT

On February 23, 2018, Stacey Platt, CFLC Practitioner in Residence, presented “Set Another Place at the Table: Child Participation in Family Separation Dispute,” based on a recently published article. She discussed the benefits of child participation, including procedural

fairness and the acknowledgment of child agency, as well as ways to move children's voices forward, such as expanding judicial training on child interviewing.

## 2017-18 PRACTITIONER IN RESIDENCE

### *Professor Stacey Platt*



Stacey Platt is a clinical professor of law and associate director of the Civitas ChildLaw Clinic at Loyola University Chicago

School of Law. She and her clinic students represent children in legal proceedings, focusing on private family disputes.

Platt is on the board of directors of the Association of Family and Conciliation Courts, the editorial board of the *Family Court Review*, and the Joint Editorial Board on Family Law for the Uniform Law Commission. She teaches litigation skills to lawyers across the country as a member of the ABA Commission on Domestic and Sexual Violence's training team.

While at Washburn Law, Platt met with students at several networking lunches and dinners, in addition to presenting a Lunch and Learn session about her recent article "Set Another Place at the Table: Child Participation in Family Separation Dispute," published in the *Cardozo Journal of Conflict Resolution*.

Platt is a recipient of the Chicago Bar Association's Leonard Jay Schrage Award of Excellence for her contribution to improving access to justice.

## Chadwick Files Federal Amicus Brief

Washburn Law Clinic Professor Gillian Chadwick, associate director of Washburn Law's CFLC, filed an amicus brief in federal court on behalf of the Center to advocate for the rights of adopted children under immigration law.

The CFLC is concerned with public policy issues affecting the welfare of children, including protecting the rights of adopted children and preserving family structures. The Center works to advance the rights of children and families through such methods as serving as amicus curiae in cases where legal issues affect children and families.

Chadwick described the case as a Kansas family working to obtain legal permanent residence for their adopted child. The case turns on a provision of federal immigration law that invokes state family law to determine whether a child qualifies to obtain legal permanent residency status from

a U.S. citizen parent. Chadwick's brief analyzes the state law question under Kansas law and raises related constitutional arguments.

Legal status for foreign-born children adopted by American parents is a complex legal issue. The Adoptee Rights Campaign, an advocacy group, estimates that 35,000 adult adoptees in the United States lack citizenship, which has driven a slew of recent deportations. Many of those affected did not even know they were not American citizens until they were ordered to leave the country.

"This issue is prominent in the news today," Chadwick said, "because foreign-born children can be adopted in the U.S. but then deported for administrative law reasons, which completely destabilizes their family. This can really ruin people's lives. That's why the Center is interested in advocating in support of the family in this case."

## Washburn Law Clinic Helps Secure \$8 million Human Trafficking Judgment

The Washburn Law Clinic, in collaboration with McGuireWoods LLP, helped secure an \$8 million judgment on behalf of a human trafficking survivor on May 23, 2018.

The award comes after a federal judge in Kansas City found that the plaintiff, Kendra Ross, had been forced to work over 40,000 uncompensated hours by a "regimented cult" from 2002 to

2012. Experts say the judgment is the largest single-plaintiff trafficking award in American history.

Clinic Professor Gillian Chadwick, along with **Connor Goodman, '18**, have worked on Ross's legal team since last September, with assistance from **Abby Hoelting, '18**, in the fall of 2017. Attorney Betsy Hutson led the pro bono team from McGuireWoods.

## 2017-18 Faculty Scholarship and Activities



**LINDA HENRY  
ELROD, '72**  
*CFLC Center Director*

### BOOKS, MONOGRAPHS, AND CHAPTERS

KRAUSE, ELROD & OLDHAM, *FAMILY LAW: CASES, COMMENTS AND QUESTIONS* (8th edition West Academic 2018). Coauthor is Tom Oldham, University of Houston School of Law. Harry Krause, Emeritus U. Illinois was author of first three editions. Released in January.

TEACHER'S MANUAL – FAMILY LAW (8TH ED. 2018) (372 pages) (released in July).

ELROD, *CHILD CUSTODY PRACTICE AND PROCEDURE* (2018 ED. THOMSON REUTERS) (1888 pages).

KANSAS FAMILY LAW: KANSAS LAW AND PRACTICE, VOL. 1 & 2 (2018 ED. THOMSON REUTERS).

### ARTICLES

*Review of the Year 2016–2017 in Family Law: Immigration Issues Impact Families*, 51(4) FAMILY L. Q. (2018) – coauthor Robert G. Spector.

*Changing Families and the Need for Policy to Protect Children* accepted for publication in the SELECTED PAPERS OF THE INTERNATIONAL SOCIETY OF FAMILY LAW, (2019).

*Citizen Children and Unauthorized Immigrant Parents: Discrimination Based on Status – chapter* in IMPLEMENTING THE UN CONVENTION ON THE RIGHTS OF THE CHILD: ARTICLE 2. The article was solicited from a paper Elrod presented at an invited academics conference on the UN CRC in Bergen, Norway, in April 2017.

### PRESENTATIONS

"Changing Family Forms" sponsored by the University of Edinburgh School of Law, March 20-22, 2018. "Trends in Relocation Law: Evaluating a Child's Best Interests."

"Children and International Relocation," International Family Law and Assisted Reproductive Technologies Law Day, American Bar Association, Family Law

"UCCJEA and Relocation: Jurisdictional Problems," American Bar Association, Section of Family Law Spring CLE Conference, Nashville, Tennessee, May 10, 2018. Section Pre Conference, Nashville, Tennessee, May 9, 2018.

"Family Law Update: International, National and State," 29th Annual Ellis County Bar Association and Gene F. Anderson Memorial CLE, Hays, Kansas, May 4, 2018.

"Are you My Mother/Father? What the Ross Case Means Now," 2018 Kansas Department for Children and Families (DCF) / Child Support Services Spring CLE, Topeka, Kansas, April 11, 2018.

"Why a Presumption for Joint Physical Custody is Not in the Best Interests of Kansas Children," Testimony, Kansas Judiciary Committee, January 30, 2018 – written and oral testimony.

"Ethical Dilemmas in Settling Cases with Alternative Dispute Resolution (ADR)," Dispute Resolution Outside the Box, 11th Annual Fall ADR CLE Seminar, Topeka, Kansas, September 29, 2017.

"Ethical Considerations for Lawyers Practicing in a Cyber World," Advanced Family Law CLE, cosponsored with the Kansas Chapter of the American Academy of Matrimonial Lawyers, Wichita, Kansas, September 22, 2017.

"Searching for Federal Family Policy," 16th World Congress of the International Society of Family Law, Amsterdam, Netherlands, July 29, 2017.

Moderator and facilitator, "High Conflict Divorce," 16th World Congress of the International Society of Family Law, July 26, 2017.



**GILLIAN  
CHADWICK**  
*Associate Director*

### ARTICLES

Reorienting the Rules of Evidence, 39 CARDOZO L. REVIEW 2115 (2018).

### PRESENTATIONS

"Introduction to Laying Evidentiary Foundations," American Bar Association, Commission on Domestic and Sexual Violence Trial Skills Institute, Chicago, Illinois, August 1, 2018 (with Madeline Garcia Bigelow).

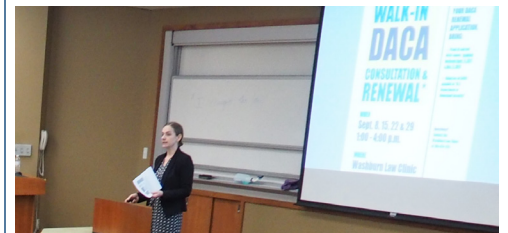
"Legitimizing the Transnational Family," Association of American Law Schools, 41st Annual Conference on Clinical Legal Education, Chicago, Illinois, May 2, 2018 (work-in-progress).

"Direct Examination Issues," March 2, 2018 (with Stacey Platt), and "Issues with Order Modification," March 1, 2018 (with Amie Lopez), American Bar Association Commission on Domestic & Sexual Violence and Department of Justice Office on Violence Against Women, Advanced Custody Litigation Institute, Dallas, Texas.

"Challenges with Discovery," American Bar Association Commission on Domestic & Sexual Violence and Department of Justice Office on Violence Against Women, Advanced Custody Litigation Institute, Dallas, Texas, February 28, 2018 (with Erin Scheick).

"Brief Service Fairs: Identifying Learning Goals and Navigating Ethical Challenges," Midwest Clinical Legal Education Conference, University of Kansas School of Law, Lawrence, Kansas, October 13, 2017 (with Michelle Ewert).

"Addressing LGBTQ Bias in Legal Systems," ABA Commission on Domestic & Sexual Violence training program, "A Coordinated Response: Legal System Advocacy for LGBTQ Victims of Intimate Partner Violence" Frankfort, Kentucky, September 27, 2017 (with Kelly Behre).



Chadwick presenting "DACA – Law, Politics & What You Can Do" at Washburn Law with Professor David Rubenstein on Sept. 27, 2017.

## CFLC Student Directors



From left, clockwise: **Katy Garner, '18, Jessica Gutierrez, '18, Keegan McElroy, JD Candidate, '19, and Stephanie Plaschka, JD Candidate, '19.**

## CFLC Externship Partners

- Most state agencies, entities, and boards
- Children and Family Guidance Center
- Disability Rights Center
- Immigration and Customs Enforcement
- Internal Revenue Service
- Kansas Coalition Against Sexual and Domestic Violence
- Kansas Department for Children and Families
- Kansas Legal Services
- Prairie Band Potawatomi Court System
- Regional federal agencies
- YWCA Center for Safety and Empowerment

## Receptions and Celebrations

WELCOME FOR HON. JULIET HARTY HATANGA



From left: **Hon. Juliet Harty Hatanga, Alex Moorhead, '18, Mike Payton, '18, and Brandon Hoesli, '18.**

RECEPTION FOR PROFESSOR STACEY PLATT



From left: **Jen Ouellette, '14, Lisa Williams, '14, Suzanne Lueker, '17, 2018 Practitioner in Residence Professor Stacey Platt, Professor Linda Elrod, '72, Micki Brassel, '99, Danielle Packer, '15, Kaitlin Alegria, '15.**

POST-PRESENTATION PHOTO WITH PROFESSOR STACEY PLATT



From left: **2018 Practitioner in Residence Stacey Platt, Professor Linda Elrod, '72, Jessica Gutierrez, '18, Dr. Bud Dale, '09, Professor Michelle Ewert.**

## CFLC BOARD OF DIRECTORS



Joe Booth, '95  
Shawnee

**Joe Booth, '95**, has practiced family law in Johnson County, Kansas since he graduated. He now has his own firm in Lenexa, Kansas. He is co-chair of the Publications Board of the ABA Family Law Section and a fellow of the American Academy of Matrimonial Lawyers (AAML). He was ABA liaison and advisor to the Uniform Nonparent Custody and Visitation Act promulgated by the Uniform Law Commission in July 2018. He adjuncts at Washburn Law, teaching the Collaborative Law course and Financial Aspects of Divorce.



Bud Dale, '09  
Topeka

**Dr. Milfred "Bud" Dale, '09**, is a clinical psychologist and lawyer who practices family law. Before starting a private clinical practice and attending law school, he served as unit director for three treatment programs for children, teenagers, and their families the Menninger Clinic. He helped start a skills-based training program for high conflict parents and taught in it for several years. He is on editorial board for the *Family Court Review* and a reviewing editor for the *ABA Family Law Quarterly*. He helps the CFLC put on an annual case management training and assists in the Child Advocacy course. He has been on the National Board of Directors of the Association of Family and Conciliation Courts since 2014.



Ed Kainen, '88  
Las Vegas

**Ed Kainen, '88**, is the senior and managing partner of the Las Vegas law firm Kainen Law Group, PLLC, which is an 'AV' rated firm and featured in the Bar Register of Preeminent Attorneys. He is an elected fellow of the AAML and the International Academy of Family Lawyers. He is a Nevada board certified specialist in family law and is also board certified in family trial law by the National Board of Trial Advocacy. He was the first Chair of the Nevada Board of Certified Family Law Specialists, and held that position for five years. He has been named the Best Family Law Attorney in Las Vegas in multiple years.



Bethany Roberts  
Lawrence

**Bethany Roberts** was appointed District Court Judge, Pro tem, in Douglas County to handle child in need of care and juvenile offender cases. She previously practiced with Barber Emerson in Lawrence, Kansas, mainly representing children in domestic and child in need of care cases. Before that, she was managing attorney for Kansas Legal Services. She adjuncts in the Children and the Law class and was voted Washburn Law's Outstanding Adjunct Professor of the Year for the 2016-17 school year.



Larry Rute, '73  
Topeka

**Larry Rute, '73**, partner and co-founder in Associates in Dispute Resolution, LLC, Topeka, Kansas, handles domestic, employment, and other civil mediation and arbitration. He is a mediator and due process hearing officer for the Kansas Department of Education. He is the International Academy of Mediators treasurer. He serves as an adjunct professor, teaching Dispute Resolution Techniques and Negotiation Strategies. He also helps with the Child Advocacy course.



Lynn Ward, '90  
Wichita

**Lynn Ward, '90**, is founding attorney of Ward Law Offices, LLC, in Wichita, Kansas. **Tony Potter, '95** is of Counsel. The firm's emphasis is on complex family-related matters. Lynn is trained as a domestic mediator and is one of the first Kansas attorneys trained to handle divorce cases using a collaborative law format. For the past 12 years, she has co-authored the Family Law chapter of the *Annual Survey of Kansas Law*. She is a fellow of the American Academy of Matrimonial Lawyers (AAML) and is a past president of the Kansas Chapter of the American Academy of Matrimonial Lawyers, 2012-2015. For the past several years, the Kansas AAML Chapter has co-sponsored an Advanced Family Law CLE with the Center.

*The Board of Directors for the Children and Family Law Center is a dedicated group of lawyers who have donated time and money to help the mission of the Center.*

## FAMILY LAW CERTIFICATE

Students who want a concentration in family law have the opportunity to earn a Family Law Certificate. The student must consult with a family law advisor and take 12 hours of family law classes, write a research paper on a family law topic and have 12 hours of pro bono work in a family law-related area. The student must maintain a 3.0 average in any classes that count toward the certificate. Since it began in 2003, 102 students have earned the Family Law Certificate.

## December Graduates Earn Family Law Certificates



*Mike Payton, '17, and Kristin Moorhead, '17, with Center Director Linda Elrod*

Washburn University School of Law's Children and Family Law Center prepares law students to provide high-quality legal representation for children and to advocate to improve the quality of justice for children and their families.

Students partner with faculty members, practicing lawyers, judges, social workers, and mental health professionals in an educational program designed to provide them with the knowledge and tools they will need to represent both child and adult clients successfully. In addition to the traditional classes, the Center offers students training in crucial skills such as counseling, negotiation, mediation, interdisciplinary research, and advocacy.



**Linda Henry Elrod, '72**  
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**Gillian Chadwick**  
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