

NEW AFCC PARENTING COORDINATION GUIDELINES

AFCC Webinar Series
February 21, 2019 – 12 noon to 1 p.m.

Debra K. Carter, Ph.D., Chair
AFCC Parenting Coordination Guidelines
Revision Task Force



Learning Objectives

1. Describe the state of Parenting Coordination practice worldwide, including variations in statutes, regulations, case law, training requirements, and procedures.
2. List current trends in parenting coordination and evolving needs of parenting coordinators and the families they serve.
3. Participants will describe concepts of multicultural competence in Parenting Coordination involving six core cultural identities.

Members of the AFCC Parenting Coordination Guideline Revision Task Force

- Debra Carter – Chair
- Linda Fieldstone – Reporter
- Leslye Hunter – AFCC Liaison
- Annette Trainor Burns – AFCC Past-President

• Members:
Dolores Bomrad, Dominic D'Abate, Barbara Fidler, Alex Jones, Mindy Mitnick,
Jack Moran, Dan Nau, Ann Ordway (former reporter), Matthew Sullivan,
Robin Belcher-Timme

Research Consultant – Michael Saini

Purpose of PC Guideline Revision TF

The Task Force was re-commissioned in 2017:

- to assess the state of parenting coordination and the varying PC practices worldwide
- to consider the current needs of AFCC members practicing in this field; and
- to address updates to the Parenting Coordination Guidelines to reflect current and emerging practices.

AFCC PC Guideline Revision Task Force (PCGRTF) – Timeline

- June, 2017 First meeting of TF. Scope and timeline for project outlined
- June, 2017 Logistics for meeting and compilation of materials/data established. Google Docs folder made available to all. Zoom meetings set for next 24 months.
- July, 2017 Sub-committees (Resources, Research, Legal) established – Tasks & Timeline Set
- August, 2017 Monthly Meetings Begin
- September, 2017 Survey I developed and sent to AFCC membership -

Timeline (2)

- November, 2017 Meeting in Milwaukee. Data analysis from Survey I provided by Mike Saini.
- November, 2017 FCR invites TF to produce a Special Issue on PC for July, 2020
- December, 2017 Add'l Survey I data analysis prompts development of Survey II
- Resources subcommittee report – Annotative bibliography development – will be updated every 6 months
- Legal subcommittee report – Survey of States, Provinces, and jurisdictions across the globe to review statutes, governmental regulations and rules

Timeline (3)

- February, 2018 Timeline confirmed. Articles for the special July 2020 issue of FCR to be finalized by January 2020.
- March, 2018 Survey II developed. Guidelines revised to include "content" titles.
- April, 2018 Survey II finalized and distributed to AFCC membership – survey closed May 4, 2018.
- June, 2018 Data analysis of Survey II
- November, 2018 Meeting in Denver. Guideline revisions reviewed. Training subcommittee formed
- January, 2019 Revised Training Modules reviewed
- February, 2019 Revised Guidelines Finalized.
- March, 2019 Revised Guidelines & Training Modules – Comment Period

SURVEY I & II SUBCOMMITTEE

Debra Carter, Dominic D'Abate, Barbara Fidler, Linda Fieldstone, Ann Ordway
 Research Consultant – Michael Saini

Survey I – Take Aways

• N = 381

- Participants included:
 - Parenting Coordinator (57.0%) and Non-PC (43%)
 - Non-Parenting Coordinator (43%)
 - Legal, including Lawyer, Judge, Magistrate, Hearing Officer, GAL (36.7%) and Non – Legal, including MHP, CCE, parent coach, etc. (63.3%)
 - Mediator (48.3%) and Non-Mediator (51.4%)

Factors Considered by the Court

Participants reported that factors considered by the court to require Parenting Coordination includes:

- 1) history of high conflict (89.8%);
- 2) repeat litigation (75.6%%);
- 3) affordability (36.5%);
- 4) impasse at mediation (32.9%); and
- 5) other (12.6%).

74% indicated that the main reason for utilizing Parenting Coordination services in their family courts was because the courts are faced with a high rate of litigation/re-litigation with regards to the implementation of a custody order or parenting plan.

Implementation of Parenting Coordination

The most common method for implementing Parenting Coordination was at the request of both parties and an Order of the Court (85.6%).

Only 34.1 percent indicated that Parenting Coordination is implemented by informal agreement of the parties without any Court action.

Intimate Partner Violence

- Almost half (47.2%) stated that PC is used in cases involving allegations of intimate partner violence at the court's discretion.
- A third (32%) indicated that PC is used involving allegations of intimate partner violence only through voluntary agreement of the parties.
- 17.8 percent indicated that PC is used in cases involving allegations of intimate partner violence with court ordered safety protections in place.

Intersection of Parenting Coordination and the Courts

In describing the relationship between the Parenting Coordinator and lawyers in their location:

Only a small minority (13.6%) indicated that lawyers are considered as partners and are encouraged to participate in meetings or attend PC sessions.

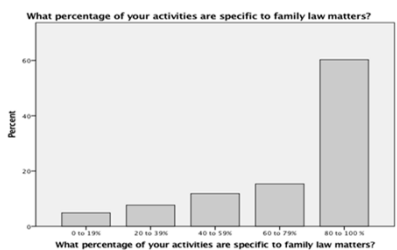
In describing the relationship between the Parenting Coordinator and the referring judge in their location:

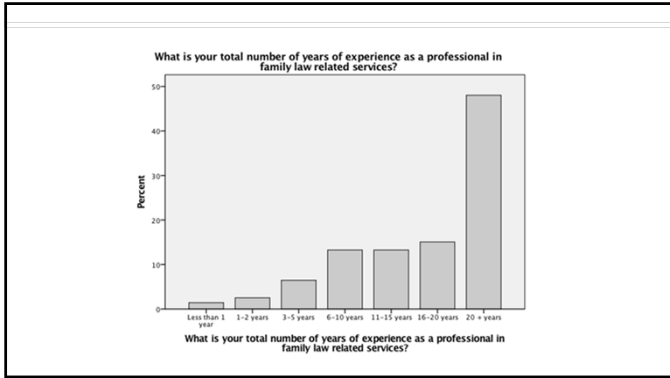
- > 29.4% indicated no contact with the court
- > 10.5% indicated that parenting coordinators are required to present a full report to the court.

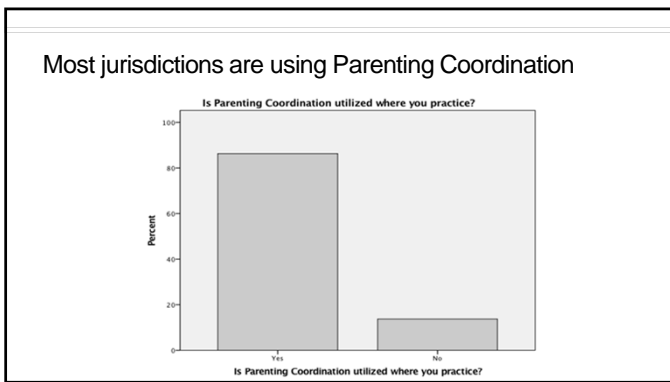
AFCC PC – Survey II Results, N = 289

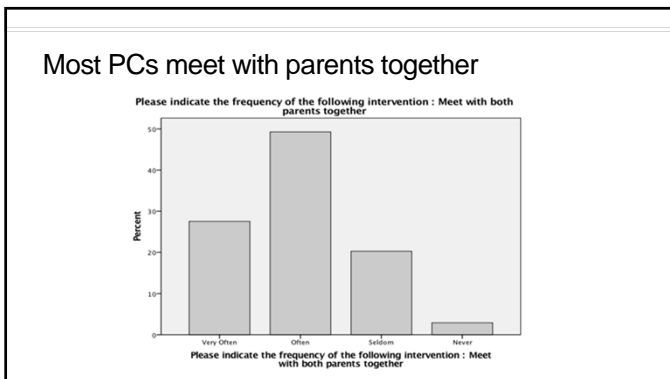


Experienced family law practitioners responded

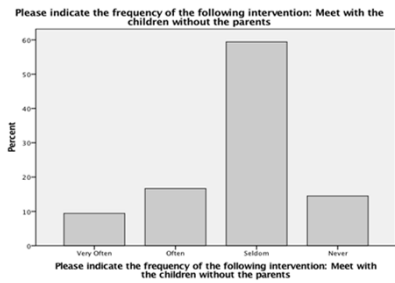




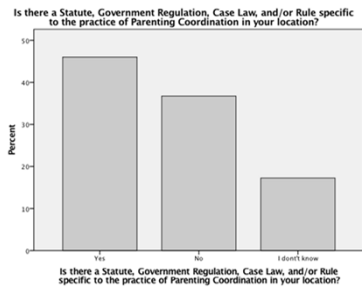




PCs seldom meet with children without parents



Government regulated programs are growing



Stated reasons for court-ordered Parenting Coordination

- Saving court cost
- Managing and decreasing coparenting conflict
- Timely resolution of coparenting issues
- Saving parents' money
- Saving parents' time
- Creating sustainable parenting plan agreements
- Limiting child's exposure to conflict
- Increasing parental cooperation
- Increasing parental communication
- Protecting children from exposure to intimate partner violence
- Reducing re-litigation

TRAINING MODULES SUBCOMMITTEE

Linda Fieldstone, Dominic D'Abate, Barbara Fidler, Mindy Mitnick, Debra Carter

2005 AFCC PC Guidelines Training Modules

- Module 1: The Parenting Coordination Process
- Module 2: Family Dynamics in Separation and Divorce
- Module 3: Parenting Coordination Techniques and Issues
- Module 4: Court Specific Parenting Coordination Procedures
- Domestic Violence Training

New AFCC PC Guidelines Training Modules

- Module 1: The Parenting Coordination Process
- Module 2: Family Dynamics in Separation and Divorce
- Module 3: Parenting Coordination Techniques and Issues
- Module 4: Court Specific Parenting Coordination Procedures
- Module 5: IPV and Other Safety Issues Relevant to the PC Process
- Module 6: Ethical Considerations Pertaining to the PC Process
- Module 7: Diversity as it Affects the Parenting Coordination Process
- Module 8: Coparenting Component of the Parenting Coordination Process
- Module 9: Use of Technology Within the PC Process

RESEARCH-RESOURCES SUBCOMMITTEE

Mindy Mitnick, Matthew Sullivan, Robin Belcher-Timme

Research/Resources Committee

- Bibliography of research on parenting coordination/abstracts included
- Developing glossary of shared language
- Research implications: limitations on current research/opportunities for further research
- Diversity in parenting coordination according to jurisdiction
- Sample forms for PCs

Research Areas/Social Science and Legal

- Roles of PC (e.g. regarding decision-making, interpreting legal documents)
- Differences in approach between mental health and legal professionals
- Outcomes (e.g. decrease in motions)
- How to conduct training for PCs
- Errors to avoid
- Ethical practices
- Statutes and Rules

LEGAL SUBCOMMITTEE

Dolores Bomrad, Alex Jones, Ann Ordway

Sources of Authority for Parenting Coordination

1. By statute
 - starting with Oklahoma in 2001
2. By case law
 - vast majority within last 15 years
3. By rule
 - Contrast specific court rules promulgated to address Parenting Coordination (i.e., MA or FL) with fitting existing court rules (such as a special master)

What can a Parenting Coordinator do?

Process Varies:

- mediation to arbitration to hybrid (mediation and then arbitration of if mediation fails)
- Investigate facts
- Report to the Court

Scope Varies:

- Design or modify parenting plans
- Address minor disputes
- Binding decisions or not?

There are no clear rules across jurisdictions

- Consent: Can a court appoint a PC over the objection of one party?
- Payment: Can a court order a party to pay a PC?
- Confidentiality: Is the process a confidential or not?
- Access to justice:
 - \$\$\$
 - Timing
- Quasi judicial immunity: When and under what circumstances can a PC be sued?

Status of the Process

- Release of the Guidelines for public comment
- Task Force will review public feedback, deliberate, and make appropriate revisions.
- The Task Force will officially release the PC Guidelines and present them to the Board for approval in May 2019 in Toronto

What we have discovered

- Differences in Court Delegation of Authority – ranging from parenting coordinators being given significant decision-making authority and influence to virtually none.
- A range of requirements regarding training and experience in different jurisdictions – from no requirements to extensive, required training guidelines.
- The importance of multicultural competence is reinforced due to the diverse families that do access parenting coordination services – however, Access to Justice issues continue to pose a significant obstacle in this field of practice

Multicultural Competency

- Though most of us have a foundation for multicultural competency from our underlying professional disciplines, that foundation is only a starting point when considering the diverse families now accessing parenting coordination services throughout the world.
- As Parenting Coordination develops as an intervention internationally, the Task Force is called upon to consider the nuances of practice for broad application of the Guidelines and to ensure inclusivity.

Attention to Culture, Identity, and Diversity Issues

Not everyone who shares a culture will have identical experiences because there are many layers to cultural identity that will influence how someone thinks and how someone is.

Not all cultural identities are obvious.

Invisible identities refer to memberships in groups which affect the way someone relates to the world- but which might be subtle; which are not part of the 6 core categories; or which are known only to the individual who has membership and those in that person's inner circle.

Examples would be: Individuals with disabilities; those involved in sports; those identified as intellectuals; members of certain professions...

6 Core Categories of Culture

- Race
- Ethnicity
- Religion
- Sex
- Sexual Orientation
- Socioeconomic Status

Acceptance is essential, but not enough. *Tolerance* promotes inequality and implies that there is one superior group that has the position to "put up with" anyone who is not like them; while another group deserves merely to be "tolerated."

Access to justice

- One of the most significant, continuing concerns about parenting coordination as an intervention is that it is not available to or accessible by individuals from a lower socioeconomic groups.
- Lower socioeconomic groups often intersect with certain other cultural categories – creating an implication that parenting coordination is a discriminatory process.

Education

- A pervasive problem is the lack of knowledge and understanding of the Parenting Coordination process globally and across specific jurisdictions.
- More education is needed to provide Qualified Parenting Coordinators.
- Ideas to educate non-practitioners of Parenting Coordination.
- Ideas to educate the public.

Global partnerships

- AFCC serves as Model Guidelines for other countries.
- Access to cross-cultural resources
- Research opportunities

New 2019 AFCC Parenting Coordination Guidelines

The purpose of these Guidelines is to provide:

1. detailed guidelines of practice for PCs;
2. guidelines for PCs regarding their ethical obligations and conduct;
3. qualifications for PCs, including relevant education, training and experience;
4. assistance to jurisdictions, professional organizations, educational institutions and professionals that are developing and implementing parenting coordination programs.

Additions to the Revised AFCC PC Guidelines

- Different Level of Guidance
 - "may" vs. "should" vs. "shall"
- Definition Section
- Topic/Content Headings
- Additional Guidelines
- Revised Training Modules

Addendums to the Guidelines:

- Relevant Social Science Bibliography
- Compendium of Statutes/Rules/Governing Authority across jurisdictions
- Relevant Case Law impacting PC practice
- International PC Guidelines

Guideline Revisions & Additional Guidelines

- Guideline I: Competence
- Guideline II: Impartiality
- Guideline III: Conflict of Interest
- Guideline IV: Multiple Roles
- Guideline V: Confidentiality
- Guideline VI: Scope of Authority
- Guideline VII: Roles and Functions

Revisions & Additions (2)

- Guideline VIII: Informed Consent
- Guideline IX: Fees and Costs
- Guideline X: Communication and Record-Keeping
- Guideline XI: Decision-Making
- Guideline XII: Marketing Practices
- Guideline XIII: Safety and Capacity
- Guideline XIV: Security, Confidentiality and Privacy Related to Use of Technology

What's Next?

- Revised Guidelines & Training Modules – 30 day public comment
- Task Force review of comments
- Final Revisions to Guidelines and Training Modules
- Approval by AFCC Board of Directors
- Pre-Conference Institute on Parenting Coordination – Toronto, May 2019
- Publication of Guidelines on AFCC Website
- Special Issue of Family Court Review on Parenting Coordination (July, 2020)

THANK YOU!

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