The Fundamentals of Parenting Coordination

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Techniques & Interventions III
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AFCC
ASSOCIATION OF FAMILY AND CONCILIATION COURTS

Virtual Training
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Risk Management in PC work

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Grievance

Video demonstration

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Risky Business

- The Legal/Psychological Hybrid Role
  - Demanding specialized knowledge and skill in legal domains
    - Legal procedure, relevant case law, legal writing
  - Demanding specialized knowledge and skill in psychological domains
    - H-C family systems, child development, etc.
  - Dispute Resolution
    - mediation, settlement processes, arbitration,

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Multiple Review Agencies

- Legal
  - Court review
  - Judicial codes
- Psychological
  - Professional licensing boards
    - Board of consumer affairs
  - Professional organizations
    - APA ethics committee

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Multiple Standards

- Legal
  - Grievances, Appeals
  - Legislation
- Psychological
  - APA Forensic Specialty, APA Ethics, PC standards (forthcoming)
  - AFCC PC guidelines
  - Licensing standards

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Common areas of Risk

- Competence
- Multiple Roles
- Record Keeping
- Due process (legal)
- Impartiality/Bias - procedural, substantive

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Competence

- Hybrid role = hybrid knowledge and skills
- Core Competencies
  - Psychological knowledge
  - Applicable legal knowledge
  - Mediation skills
- Skill and expertise in any special issues specific to case

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Role Clarity

- Avoid role shifts
- Avoid personal and business relationships with parties or relatives
- Avoid multiple professional relationships, e.g. therapeutic and forensic
- Avoid services to parties directly related to PC process
- Establish clear boundaries with parties and counsel

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Conflicts of Interest -MHP

- When relationship between PC and participants or subject matter of dispute compromises or appears to compromise PC's impartiality
- PC discloses potential conflicts of interest as soon as possible after becoming aware of potential conflict
- With written agreement PC can serve, but if impartiality impaired, PC shall withdraw
- PC shall not create conflict by providing services to parties not directly related to PC process
- CARE in making referrals (no commissions, rebates)

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Conflicts of Interest-Attorneys

For Attorneys:

- Prior representation or legal advice for a party?
- Prior confidential or mediation project mediator?
- Prior settlement conference judge?
- Did the attorneys work for/with you before?
- Did either attorney every represent you?

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Impartiality/Bias

- Gather information fairly and evenly
- Decisions represent interests of each party
- Rationale clearly articulated
- Address perceptions of bias promptly

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Record Keeping

- Records are accurate and sufficiently detailed, legible and comprehensive
  - For each PC meeting (in person or phone) include date, time, duration, persons in attendance
- Records provide sufficient foundation for any decisions
- All agreements made by the parents are dated and as much as possible written bilaterally
- Records may be accessed through court order or subpoena

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Pitfalls

- Lack of definition of scope of authority
- Role definition unclear
- Appointment not detailed enough
- Issues at hand outside of PC's expertise
- Bias affects decision making
- Uneven gathering of information
- Fees and payment

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Risk Management strategies

- Court order or consent agreement
- Qualified and competent
- Consultation with peers
- Manageable Case load
- Maximum liability coverage as provided by professional liability insurer

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10 take-away tips

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Collecting Fees

- Get as much money up front as possible
- Retainer/deposit
- Regular and detailed billing
- Seek court assistance
- Don’t let balance owed get high
- Keep self-interest in mind (difficult for people who care about children)

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Non-Compliant Parent

- Must match intervention to the psychology of the parent.
- What works?
- What doesn’t work?
- How to maintain neutrality and boundaries

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Need to Balance the Work Load

- Self-care is crucial
- Ideas for self-care?
- Burn-out
- When to hold 'em; when to fold 'em.

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Dealing with Domestic Violence

- Pattern of coercive control, psychological abuse, intimidation and threats of harm may not be appropriate for PC process
- Cases where dynamics of power and control and great fear are not present are more appropriate for PC process
- Face to face contact can facilitate DV
- May need to monitor adherence to court orders and facilitate safe implementation of parenting plans as scope of work

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The helping hand strikes again

- Child therapist may be procedurally biased
- May have filed an affidavit, seen only one parent, aligned with one parent
- Have obligation to understand how legal context affects treatment
- Therapist should consider multiple treatment hypotheses
- PC may need to remove child therapist
    - see AFCC Guidelines for Court-involved Therapists (2010)

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One parent is uninvolved

- Must have information from both parents to make decisions
- If court-ordered, check order to determine whether PC is mandated without agreement of parties
- Check court order and agreement for provisions for resignation

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Complaint filed?

- If you have a complaint filed while you are still actively involved in a case as PC, what are the considerations about how to handle the situation?
  - Bias/objectivity/neutrality
  - Actual bias/perception of bias
  - Effectiveness
  - Multiple roles?
  - Professional risk/desire to assist/not letting an adversary prevail.

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Whose got your back?

- Relationship to the Court
  - Objections/Grievances
  - Splitting/undermining
- Knowledgeable Judges
  - About you
  - About the process

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Having an attorney who is not collaborative

- The collaborative team
  - Selecting
  - Structuring the relationship
  - Managing splitting

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The antisocial client

- Keys to managing the sociopathy
  - Clear boundaries
  - Exercise of authority
  - Managing professional risk

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When should you withdraw?

- Tolerance of conflict
- Process potentiates conflict
- Boundary violations
- Limit-setting one-sided
- Severe personality disorder (paranoid/antisocial)
- Fee issue not resolved

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Training Team
Contact Information

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Guidelines for Parenting Coordination

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Guidelines for
Parenting Coordination

Developed by

The AFCC Task Force on Parenting Coordination

2017-19

Foreword

The Guidelines for Parenting Coordination ("Guidelines") are the product of the interdisciplinary AFCC Task Force on Parenting Coordination ("Task Force"). These Guidelines build on two previous AFCC task forces, which produced the report, "Parenting Coordination: Implementation Issues"[1] and the first set of AFCC Guidelines for Parenting Coordination.[2]

It is noteworthy that, as the parenting coordination model has been implemented in various jurisdictions, there has been variation in the authority of a parenting coordinator ("PC"), the stage of the legal process when a PC is appointed, the various functions of a PC, the qualifications and training of a PC, and the best practices for the role.

In 2017, then AFCC President Annette Burns recognized the need to update the 2005 Guidelines to reflect developments that had occurred worldwide since the Guidelines were first promulgated. She appointed the current Task Force on Parenting Coordination ("Task Force"). Task Force members met monthly via videoconference and in person at AFCC Conferences in Boston, Massachusetts (June 2017), Milwaukee, Wisconsin (November 2017), Washington, D.C. (June 2018) and Denver, Colorado (November 2018).

While revising the 2005 Guidelines, the Task Force identified issues in need of exploration: use of technology in parenting coordination; parenting coordination when intimate partner violence (IPV) is an issue; diversity awareness and responsiveness; and, the evolution and impact of legal directives since the emergence of parenting coordination.

To inform the process, two subcommittees were formed. The Legal Subcommittee reviewed current case law, statutes, rules, and regulations across jurisdictions and identified key differences and nuances in the law. This subcommittee also looked at practices in jurisdictions that are currently without formal laws pertaining to parenting coordination, those where law is being developed, and some of the policies and practices in countries where the practice of parenting coordination is emerging. The updated Guidelines are intended to reflect current developments while respecting variances in law and practice across jurisdictions.

The Resource Subcommittee identified resources including publications and other resources that have served to inform and document the practice of parenting coordination as it has advanced over the last approximately 12 years.

Feedback from AFCC membership was solicited throughout the process in several ways: (1) The Task Force surveyed AFCC members to examine parenting coordination practices[3]; (2) open forums and breakout sessions focusing on the Guidelines were held at AFCC conferences in

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[1] See AFCC Task Force on Parenting Coordination, Parenting Coordination: Implementation Issues, (2003) *Family Court Review*, 41(4). 533-541.

[2] See Guidelines for Parenting Coordination developed by the AFCC Task Force on Parenting Coordination, (2006), *Family Court Review*, 41 (1), 164-181.

[3] Much appreciation to Michael Saini, Ph.D., Associate Professor, Factor-Inwentash Faculty of Social Work, for his assistance in developing the surveys and data analysis.

Milwaukee, Wisconsin; Denver, Colorado; Washington DC; and, (3) draft Guidelines, were posted for public comment, resulting in numerous revisions.

The members of the AFCC Task Force on Parenting Coordination (2017 - 2019) were: Debra K. Carter, Ph.D., Chair; Ann M. Ordway, J.D., Ph.D. and Linda Fieldstone, M.Ed., Reporters; Hon. Dolores Bomrad, J.D.; Dominic D'Abate, Ph.D.; Barbara Fidler, Ph.D.; Alexander Jones, J.D., MSW; Mindy Mitnick, Ed.M., M.A.; John A. Moran, Ph.D.; Daniel T. Nau, J.D.; Matthew Sullivan, Ph.D.; Robin Belcher-Timme, Psy.D., ABPP.; and, Leslye Hunter, M.A., AFCC Associate Director.

GUIDELINES FOR PARENTING COORDINATION

Overview

Parenting coordination is a hybrid legal-mental health role that combines assessment, education, case management, conflict management, dispute resolution, and, at times, decision-making functions. Parenting coordination is a child-focused process conducted by a licensed mental health or family law professional, or a certified, qualified or regulated family mediator under the rules or laws of their jurisdiction, with practical professional experience with high conflict family cases. The parenting coordinator ("PC") assists coparents[4] engaged in high conflict coparenting to implement their parenting plan by: (1) facilitating the resolution of their disputes in a timely manner; (2) educating coparents about children's needs; and, (3) with prior approval of coparents or the court, making decisions within the scope of the court order or appointment contract. A PC seeks to protect and sustain safe, healthy, and meaningful parent-child relationships.

Parenting coordination is for coparents who are unable or unwilling to jointly make parenting decisions, communicate effectively, comply with parenting agreements and orders or shield their children from the impact of parental conflict. A PC makes recommendations and, if authorized, legally binding decisions for coparents and may report to the court; therefore, a PC should be appointed by and accountable to the court. Both coparents may agree to participate in the parenting coordination process, and in some jurisdictions this agreement may be implemented without a court order. However, a court order is prudent in these cases. The authority inherent in the role of a PC is substantial whether stipulated by coparents or ordered by the court. Therefore, it is important that any jurisdiction implementing parenting coordination adopt and adhere to a set of guidelines for parenting coordination practice and programs.

The dispute resolution process central to a PC's role may be inappropriate and potentially misused by perpetrators of intimate partner violence (IPV), who have exhibited or are continuing to exhibit patterns of violence, threat, intimidation, and coercive control over their coparent. Accordingly,

[4] Coparent refers to an individual who shares legal responsibility for a child with another individual, regardless of biological relationship or the circumstances under which responsibility has been initiated or defined. Coparents may include grandparents, guardians, or others who serve in a quasi-parenting role with a child.

each jurisdiction should have in place a clearly delineated process to develop specialized parenting coordination protocols, screening, procedures, and training in cases involving IPV.

The purpose of these Guidelines is to provide detailed guidance related to**:**

1. practice for PCs;

2. ethical obligations and conduct of PCs;

3. PC qualifications, including relevant education, training and experience;

4. assistance to courts, professional organizations, educational institutions, and professionals that are developing and implementing parenting coordination programs.

The Guidelines for Parenting Coordination include different levels of guidance.

These Guidelines are aspirational and offer guidance in best practices, qualifications, training and ethical obligations for PCs. AFCC does not intend these Guidelines to define mandatory practice and they are not intended to create legal rules or standards of liability. Each jurisdiction may vary in its practices; however, minimum guidelines and best practices are provided. The word "shall" is typically used in the guidelines not because AFCC enforces or requires adherence, but to be consistent generally with practice requirements of other regulatory bodies and are thought to be best practice.

- Use of the term "may" is the lowest strength of guidance and indicates a practice a PC should consider adopting, but from which the PC may deviate in the exercise of good professional judgment and may be related to jurisdictional variances or other circumstances.

- Use of the term "should" indicates that the practice described is highly desirable and should be departed from only with very strong reason.

- Use of the term "shall" is a higher level of guidance to a PC, indicating that the PC should not have discretion to depart from the practice described.

Guideline I - Competence

A PC shall be qualified by education and training to undertake parenting coordination and shall continue to develop professionally in their associated roles and functions.

A. **Professional Background and Experience.** A PC shall be a licensed mental health or family law professional, or a certified, qualified or regulated family mediator, under the rules or laws of their jurisdiction. A PC should also have extensive practical professional experience with family cases involving high conflict coparenting dynamics.

B. **Family Mediation Training.** A PC should have training and experience in family mediation. A PC should become a certified, qualified, or regulated family mediator under the rules or laws of the jurisdiction where he or she practices, if such certification, qualification, or regulation is available.

C. **Parenting Coordination Training.** A PC shall have training in the parenting coordination process, family dynamics in separation and divorce, dynamics related to parents who were never married to each other, child development, parenting coordination methods and techniques, court specific parenting coordination procedures, family law as it pertains to the parenting coordination process, intimate partner violence, child maltreatment and other safety issues relevant to the parenting coordination process, ethical considerations pertaining to the parenting coordination process, diversity as it affects the parenting coordination process, coparenting relationships, and the use of technology within the parenting coordination process. Recommendations for Comprehensive Training of Parenting Coordinators incorporating specific modules are included as Appendix A.

D. **Arbitration/Decision-Making Training.** A PC shall have training in decision-making processes where this function of the PC role is permissible by law.

E. **Continuing Education:** A PC shall maintain professional competence in the parenting coordination process. A PC shall regularly participate in educational activities promoting professional growth[5].

F. **Laws and Guidelines.** A PC shall be familiar with the laws governing parenting coordination practice in their jurisdiction, if any, and to comply with those laws. Where specific guidelines conflict, a PC should first comply with the law in the jurisdiction where that PC is practicing, as well as their professional codes of conduct.

G. **Circumstances Affecting Competence and Role as PC.** A PC shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond a PC's skill or expertise, or personal circumstances (e.g., medical, mental health, substance misuse or dependence, etc.) exist that compromise a PC's ability to perform their role.

H. **Consultation.** A PC may participate in collegial or peer consultation or mentoring to receive feedback and support on cases, as needed, subject to confidentiality requirements set forth in Guideline V. Consultation is distinguished from supervision in that a PC can choose whether to follow advice from the consultant; a consultant has no authority over the actions or behavior of a PC who consults with them; and, the consultant does not assume responsibility nor incur liability for any actions taken by a PC before, during, or following the consultation.

I. **Diversity Awareness and Responsiveness.** A PC shall obtain continuing education for diversity awareness to ensure they are providing responsive and competent services, taking

[5] AFCC Guidelines for the Use of Social Science Research in Family Law (2019), *Family Court Review*, 57(2), 193-200.

into consideration core cultural identities such as race, ethnicity, religion, gender, sexual orientation, and socioeconomic status; as well as potential cultural identities that may not be obvious, but which likely affect an individual's personal presentation (such as an illness or disability) and worldview. A PC shall also be aware of the diverse nuances of specific family structure, such as same gender coparents, blended families, and extended family caregivers.

Guideline II - Impartiality

A PC shall maintain impartiality in the parenting coordination process, although a PC is not neutral when making recommendations and decisions that impact best interests of the children. Impartiality is defined here as freedom from favoritism or bias in word or action.

A. **Gifts and Favors.** A PC shall neither give nor accept a gift, favor, loan or other item of value from any coparent having an interest in the parenting coordination process or from which a PC may profit.

B. **Respect for Diversity.** A PC shall not allow their personal values, morals, or beliefs to compromise the parenting coordination process or their efforts to assist coparents and children. If a PC has personal values, morals, or beliefs that will interfere with the parenting coordination process, a PC shall decline the appointment or withdraw from the process.

C. **Misrepresentation.** A PC shall not intentionally or knowingly misrepresent or omit any material fact, relevant law**,** or circumstance in the parenting coordination process.

D. **Integrity.** A PC shall not accept any appointment, provide any service, or perform any act outside the role of a PC that would compromise the integrity of the parenting coordination process.

E. **Maintaining Impartiality.** A PC shall advise participants of any circumstances that may impact their impartiality, including potential conflicts of interests or bias. A PC shall withdraw if a PC determines they cannot act in an impartial or objective manner.

F. **Undue Influence.** A PC shall not be compromised by outside pressure, bias, fear of criticism, or self-interest, including monetary gain. A PC shall not coerce or improperly influence a coparent to make a decision.

G. **Harassment or Exploitation.** A PC shall not engage in any form of harassment or exploitation of coparents, children, students, trainees, supervisees, employees, or colleagues.

Guideline III – Conflict of Interest

A PC shall not serve in a case that would create a conflict of interest. A conflict of interest is a situation in which a person is involved in competing interests or loyalties and serving one interest may involve working against another interest.

A. **Disclosure.** A PC shall disclose existing or potential conflicts of interest as soon as practical after becoming aware of any factor that gives rise to the potential conflict.

B. **Waiver.** A PC may serve after the appropriate disclosure of an existing or potential conflict, upon the written agreement of coparents and others specifically related to the existing or potential conflict.

C. **Additional Services.** A PC shall not create a conflict of interest by providing any other services to coparents, children, or other family members.

D. **Referrals.** A PC may make referrals to other professionals to provide services to coparents, children, or other family members, but shall avoid actual or apparent conflicts of interest when making referrals. A PC shall not receive any commission, rebate, or remuneration from making a professional referral.

E. **Solicitation.** A PC shall not solicit or agree to provide future professional services to coparents, children, or other family members beyond the role of parenting coordination.

F. **Respect of Other Professional Roles.** A PC shall respect the role of other professional disciplines in the parenting coordination process and shall promote cooperation between PCs and other professionals.

Guideline IV – Multiple Roles

A PC shall not serve in multiple concurrent or sequential roles in the same case, even with the consent of coparents.

A. **Multiple Concurrent or Sequential Roles:** A professional shall not act as a PC with coparents or others directly involved in the parenting coordination process if they previously provided professional services to the same parties. Also, a PC shall not provide professional services other than those pertaining to the parenting coordination process during, or after the term of a PC's involvement with the family. This includes, but is not limited to, service as a confidential mediator, court evaluator, child's attorney, guardian ad litem, child advocate, therapist, consultant, coparenting counselor or coach.

1. A PC shall not have served or serve as a confidential mediator for anyone involved in the same case.

2. A PC shall not have served or serve in a court evaluator role capacity for anyone involved in the same case.

3. A PC shall not have served or serve as a child's attorney, guardian ad litem, or child advocate for anyone involved in the same case.

4. A PC shall not have served or serve as a therapist, consultant, or coparenting counselor/coach and shall not 'formally' engage in such roles concurrently or sequentially for any party involved in the same case.

5. A PC shall not have served or serve as a lawyer for either coparent or anyone involved in the same case.

B. **Facilitation Role.** A PC should attempt to facilitate resolution of issues by agreement of coparents; however, a PC is not acting in a formal mediation capacity, which would create a dual role.

C. **Decision-Making Role.** An effort to facilitate resolution of an issue does not disqualify a PC from deciding an unresolved issue, where decision-making is permitted by court order. A PC should provide coparents with written notice of the shift to a decision-making role.

Guideline V – Confidentiality

A PC shall inform all participants in the parenting coordination process of the limitations on confidentiality before the process commences and throughout the process.

A. **Confidentiality Outside the Parenting Coordination Process.** A PC shall follow the requirements in their jurisdiction regarding maintaining confidentiality outside the parenting coordination process except as provided by law, court order, or by written agreement of coparents.

B. **Communication with Coparents and Children within the Parenting Coordination Process.** A PC shall notify coparents before the process commences that information shared between them is not confidential and may be shared with other involved participants such as extended family members, professionals, and relevant non-professionals. When a PC includes a child in the process, they should provide information about the limits of confidentiality to them in developmentally appropriately language.

C. **Communication with Collateral Sources.** Collateral sources may include family members and other relevant professionals and nonprofessionals. With necessary authorization, a PC has discretion to communicate and exchange information with collateral sources. Before requesting information from a collateral source, a PC shall disclose the limits of confidentiality with respect to the request.

D. **Mandated Reporting Laws.** A PC shall inform coparents of the following limitations of confidentiality:

1. A PC shall follow reporting requirements in their jurisdiction regarding suspected abuse or neglect of a child or vulnerable adult to protective services or law enforcement whether or not a mandatory or voluntary reporter under state, provincial, or federal law; and

2. A PC shall report to law enforcement or other authorities if a PC has reason to believe that any family member appears to be at serious risk to harm himself or herself, another family member, or a third party.

E. **Confidentiality of Records.** A PC shall maintain confidentiality of all records developed or obtained during the parenting coordination process in accordance with their licensure requirements, the law, or court order.

1. A PC shall maintain security in the storage and disposal of records.

2. A PC shall follow jurisdiction and licensure requirements when relocating or closing a parenting coordination practice.

F. **Use of Confidential Information for Educational Purposes.** A PC shall not disclose the identity of coparents, children, or others involved in the parenting coordination process when information is used for teaching, writing, consulting, supervision, research, or public information.

Guideline VI – Scope of Authority

Whenever possible, a PC should serve by formal order of the court. Any court order or consent agreement of coparents shall clearly and specifically define the PC's scope of authority and responsibilities. The ability of a court to appoint a PC on its own authority varies; some jurisdictions require coparents to consent before a PC may be appointed.

A. **Court Order**. A PC should not initiate services until they have received an appointment order, or in jurisdictions where parenting coordination cannot be ordered by the court, a PC should not initiate services in the absence of a consent agreement between the parties, the counsel (if any), and the PC that satisfies any legal requirements. If a court order or consent agreement for parenting coordination services between coparents requires a PC to provide services outside the scope of the parenting coordination process or accepted standards of professional practice, the PC shall address and remedy any such conflict or decline the appointment.

B. **Recommended Language for Appointment Orders**. The court order or consent agreement between coparents should define essential elements of the parenting coordination process including: term of service, definition and purpose of the PC role, scope of authority of a PC, access to information by a PC, limits of confidentiality, parenting coordination procedures, procedure for decision-making, submission of reports

to the court or to coparents, judicial review process, parenting coordination fees and costs, process for grievances, and process for termination of parenting coordination services.

C. **Compliance with Laws, Rules, and Orders.** A PC shall comply with all statutes, court orders and rules, administrative orders, and rules relevant to the parenting coordination process.

D. **Professional Services Contract.** In addition to the court order or a consent agreement between coparents to appoint a PC, a written professional services contract between coparents and the PC shall be used to detail essential elements of the parenting coordination process not contained in the court order or the consent agreement, and other professional issues such as schedule of fees, billing practices, recording keeping, and retainers. A Professional Services Contract is sometimes referred to as a written informed consent agreement.

Guideline VII – Roles and Functions

A PC shall assist coparents in reducing harmful conflict and in promoting the best interests of the children consistent with the roles and functions of a PC.

A. **Intake Process.** A PC serves a screening and information gathering function. A PC shall screen clients referred for services for suitability of the process. A PC should review a custody evaluation; interim or final court orders; information from other collateral sources; intimate partner violence protective orders; any other applicable cases involving criminal assault, intimate partner violence or child abuse; and other relevant records such as educational records, medical, mental health, therapy, and treatment records; and then analyze the impasses and issues as brought forth by coparents.

B. **Assessment or Appraisal.** A PC serves an assessment function. A PC shall conduct on-going assessment regarding: appropriateness of coparents for continuation in the parenting coordination process; the need to refer any family member to another professional for services, such as evaluation or treatment; safety of family members and the PC; efficacy of utilized techniques and interventions; and, compliance and violations of the parenting plans or court orders and agreements between coparents and recommendations or decisions by a PC.

C. **Education.** A PC serves an educational function. A PC should educate coparents about child development, separation/divorce research, the effects of conflict and impact of coparents' behavior on the children, parenting skills, communication, and conflict resolution skills. A PC may model or teach coparents skills and provide direction/redirection to assist coparents in the acquisition of those skills.

D. **Coordination/Case Management.** A PC serves a coordination or case management function. A PC should work with the professionals and systems involved with the family (e.g. mental health, health care, social services, education, legal). A PC may also work with

extended family, stepparents, and significant others. A PC may also monitor, implement, and enforce court ordered intervention services if authorized to do so.

E. **Conflict Management.** A PC serves a conflict resolution function, primarily to help coparents resolve or manage child-related conflict. A PC may utilize negotiation, mediation, and arbitration skills. To protect coparents and children in IPV cases, a PC should tailor the process and techniques to prevent opportunities for coercion.

F. **Communication.** A PC serves as a conduit for communication between coparents. A PC should establish communication protocols and rules of engagement in order to facilitate respectful, child-focused communication between coparents.

G. **Decision-making.** In some jurisdictions a PC may be empowered to make reports or recommendations to the court, or to make legally binding decisions. These decisions may be subject to judicial review to the extent described in the court order or by consent agreement of coparents.

H. **Parenting Plan.** A PC may provide clarification of parenting responsibilities and parenting time as authorized by a court order or consent agreement. If authorized by a court order or consent agreement, a PC may assist coparents in developing or revising a parenting plan.

I. **Written Agreements.** A PC may communicate to the court regarding agreements between coparents, and submit such agreements, if authorized by law or pursuant to the parenting coordination agreement.

J. **Limitations on Functions.** A PC shall not offer legal advice, therapeutic services, or serve in any additional professional role for any member of the family for which parenting coordination is provided.

Guideline VIII – Informed Consent

A PC shall facilitate the participants' understanding of the parenting coordination process.

A. **Power and Rights.** A PC is in a position of considerable authority. A PC shall communicate to coparents the extent of their parental rights given the authority that may be delegated to a PC in the form of recommendations, decision-making, the provisions of confidentiality, the professional persons and other collaterals with whom a PC will be authorized to consult or obtain information. A PC shall communicate to coparents their right to seek redress with the court.

B. **Understanding the Role of a PC**. At the commencement of the parenting coordination process, and as appropriate thereafter, a PC shall review the court order or consent agreement and the professional services agreement with coparents to clarify with them the nature of the PC's role, function, authority, provision of confidentiality, and procedures.

C. **Children Involved in the Parenting Coordination Process.** A PC may meet with children in the parenting coordination process if they are trained in interviewing children and possess the appropriate skills. When meeting with children, a PC shall explain, in developmentally appropriate language, the PC's role, provisions of confidentiality, and anticipated involvement of the children in the process.

Guideline IX – Fees and Costs

A PC shall fully disclose and explain the basis of any fees and costs to coparents.

A. **Allocation of Fees/Costs.** All fees for parenting coordination services shall be based upon the time expended by a PC and any administrative costs. All fees and costs shall be appropriately allocated between coparents as ordered by the court or as agreed upon in a PC's written fee agreement. A PC may be granted authority to reallocate fees based upon a coparent's responsibility for the actions that led to incurring those fees.

B. **Prior Notice of Fees/Costs in Writing.** Prior to commencement of the parenting coordination process, a PC shall provide to coparents, in writing, the basis of fees and costs; retainer, if any; procedures for payment; and collection of fees associated with postponement, cancellation, and nonappearance; as well as identifying any other activities that may incur fees and costs.

C. **Billable Services.** Activities for which a PC may charge include time spent interviewing coparents, children and collateral sources of information; preparation of agreements; correspondence, recommendations, decisions and reports; review of records and correspondence; telephone and electronic conversation; travel; court preparation; and appearances at hearings, depositions and meetings and any associated costs for these.

D. **Failure to Meet Fee/Costs Agreements**. A PC shall inform coparents that they may suspend or terminate services due to the lack of payment by either coparent.

E. **Recordkeeping of Fees/Costs**. A PC shall maintain records necessary to document charges for services and expenses and should provide a detailed accounting of those charges to a coparent, their counsel or the court, if requested to do so in accordance with the requirements of the PC's governing body or by law.

F. **Contingency Fees Prohibited**. A PC shall not charge a contingent fee or base a fee on the outcome of the process.

G. **Remuneration for Referrals.** A PC shall not accept nor provide a fee for a parenting coordination referral, as further delineated in Guideline III.

Guideline X – Communication and Record-Keeping

A PC shall communicate in a manner that preserves the integrity of the parenting coordination process and considers the safety of coparents and children when communicating with coparents, counsel, children, and the court. A PC should have access to persons involved with family members and documentary information necessary to fulfill their responsibilities.

A. **Ex Parte Communication.** A PC may engage in individual communications with each of the coparents and their attorneys, unless prohibited in the court order of appointment or consent agreement, or under formal arbitration procedural requirements. A PC should do so in an objective, balanced manner. A PC should communicate agreements, recommendations, and decisions to all coparents.

B. **Reports to the Court.** A PC should follow the court's rules or instructions regarding reports to the court.

C. **Collateral Communications.** A PC should have access to all professionals involved with family members including the custody evaluator, attorneys, school officials, medical, and mental health care providers. A PC should have the authority to meet with the children, any stepparent or person acting in that role, or anyone else a PC determines to have a significant role in contributing to or resolving the conflict. A PC should notify any such collateral sources of provisions of confidentiality pertaining to information obtained from them.

D. **Access to Documents and Information.** A PC should have access to all relevant information including orders, motions, and pleadings filed in the case, the custody evaluation report, Guardian ad Litem reports, and school, medical, and mental health records of coparents and their children. Any court order should authorize a PC to execute releases and obtain consents to permit access to such data and other relevant information.

E. **Interviews, Meetings, and Participants.** A PC should have initial separate or joint interviews with coparents. If a PC has appropriate training and skills, they may choose to interview the children in a developmentally appropriate manner. A PC may, as needed, interview any individuals who provide services to the children to assess the children's needs and wishes. Communication between a PC and coparents may take place in joint, face-to-face meetings or by electronic means. A PC should determine whether separate or joint sessions are appropriate. In cases involving IPV, a PC shall determine whether to conduct interviews and sessions with coparents separately or in other circumstances to ensure appropriate safety precautions.

F. **Maintaining Records.** A PC shall maintain records in a manner that is in accordance with the PC's licensing or governing body, or law. The records shall be professional, comprehensive and inclusive of information and documents that relate to and support decisions and recommendations made during the parenting coordination process.

G. **Documentation of Agreements and Decisions.** A PC shall document in writing all agreements made by coparents and recommendations or decisions made by the PC.

H. **Responsibility to the Court.** A PC shall be candid, accurate, and responsive in all communications with the court concerning their qualifications, availability, fees, and disciplinary sanctions related to the parenting coordination process as required by law or rule.

Guideline XI – Decision-Making

A PC should attempt to facilitate agreement between coparents in a timely manner on all disputes within a PC's scope of authority. A PC shall decide the disputed issues or make recommendations as appropriate when coparents do not reach agreement, if it is authorized by the court or consent of coparents.

A. **Authority for Decision-Making.** A PC may be granted the authority to make decisions (with or without a right of appeal) for coparents when they are unable to agree, or a PC may be permitted only to make recommendations to coparents or to the court. The scope of a PC's decision-making authority may be limited in some jurisdictions. A PC should first address any dispute about their authority to address an issue prior to beginning work to resolve that issue.

B. **Scope of Decision-Making**. A PC shall have only the authority to address issues that are identified in the court order or consent agreement. A PC shall have the authority, as specified in the court order or consent agreement, to resolve the following types of issues:

1. Minor changes or clarification of parenting time/access schedules or conditions including vacation, holidays, and temporary variation from the existing parenting plan;

2. Procedures for transitions or exchanges of the children including date, time, place, means of transportation and transporter;

3. Health care management including, but not limited to medical, dental, orthodontic, vision, and other specialties;

4. Child-rearing issues, including but not limited to disciplinary practices, bedtime routines, diet, and homework support.

5. Psychotherapy or other mental health care, for the children and coparents;

6. Psychological testing or other assessment of the children and coparents;

7. Education or daycare, including choice of school, tutoring, summer school, participation in special education testing and programs, or other major educational decisions;

8. Enrichment and extracurricular activities, including camps and employment;

9. Religious observances and education;

10. Children's travel and passport arrangements;

11. Clothing, equipment, and personal possessions of the children;

12. Verbal or written communication, including any forms of electronic communication between coparents about the children.

13. Verbal or written communication, including any forms of electronic communication by between a coparent and children when they are not in that coparent's care;

14. Alteration of appearance of the children including haircuts, tattoos, ear and body piercing, and cosmetic surgery;

15. Roles of and contact with significant others, romantic interests, and extended families;

16. Substance misuse assessment or testing for either or both coparents or for a child, including access to results; and

17. Parenting classes for either or both coparents.

This list is not meant to be inclusive; rather, it provides a framework for understanding the types of issues a PC may routinely address.

C. Considerations During Decision-Making. A PC should consider written or verbal statements about the dispute from each parent, and other relevant sources of information. The methodology used by a PC shall be fair to coparents and transparent to the court and the coparents. A PC shall ensure that each coparent has an opportunity to be heard in the process. A PC shall convey their expectations of coparents' participation in the process and the consequences of nonparticipation. If either coparent refuses to participate, a PC may take appropriate action governed by the court order, relevant statutes, or consent agreement.

D. **Written Decision of a Parenting Coordinator.** If authorized to make decisions by the law, a PC should communicate their decisions in a timely manner, to be followed by written documentation of the decision. In the event decisions are provided orally, a written version shall follow in a timely manner. A PC should provide rationale for the decision, with the level of detail depending on the nature and magnitude of the issue.

E. **Major Decisions**. A PC shall not make decisions that would change custody or substantially change the parenting plan.

Guideline XII – Marketing Practices

A PC shall not engage in any marketing practice that diminishes the importance of a coparent's right to self-determination, compromises the impartiality of the PC, or demeans the integrity of the parenting coordination process or the judicial system.

A. **False or Misleading Marketing Practice**. A PC shall not engage in marketing practices that contain false or misleading information.

B. **Accuracy and Honesty.** A PC shall ensure that any advertisements regarding qualifications, services to be rendered, or the parenting coordination process are accurate and honest.

C. **Promises**. A PC shall not make any claims of achieving specific outcomes.

Guideline XIII – Safety and Capacity

A PC shall be aware of issues regarding safety and capacity that may diminish the integrity of the parenting coordination process. A PC shall promote the safety of all participants throughout the parenting coordination process.

A. **Screening.** A PC shall screen prospective cases for IPV and decline cases if they do not have specialized training and procedures to effectively manage those cases. A PC should provide ongoing screening and terminate their role as PC if they are unable to manage those cases.

B. **Protective and No-Contact Orders.** A PC shall honor the terms of all active protective orders and no-contact orders for protection and take measures that may be mandated to ensure the safety of coparents, their children, and the PC.

C. **Monitoring for Safety.** A PC shall monitor the process for the presence of safety concerns, intimate partner violence, child abuse and neglect, and take appropriate action to address such issues when they are identified.

D. **Suspending or Terminating Process Based upon Safety Concerns.** A PC shall suspend or may terminate the parenting coordination process when they determine it is unsafe to continue and shall notify the court of the suspension or termination, if required.

E. **Interruption in Services Due to Parental Impairment or Incapacity.** A PC shall adjourn, terminate, or modify the parenting coordination process if a coparent is incapable of participating in the process.

F. **Suspicion of Substance Misuse and Mental Impairment.** A PC shall be alert to the reasonable suspicion of any substance misuse by either parent or child, as well as any psychological or psychiatric impairment of any parent or child that compromises their parenting or may be detrimental to the best interests of the children or the safety of family members. A PC may recommend a substance abuse or mental health evaluation and treatment as the PC might deem necessary during the parenting coordination process to address the best interests of the children affected, if legally authorized to do so.

Guideline XIV – Security, Confidentiality and Privacy Related to Use of Technology

A PC shall manage the risks related to the confidentiality and security of information by taking reasonable steps to protect the privacy of all interactions and documentations exchanged consistent with privacy legislation in a PC's jurisdiction.

A. A PC should become knowledgeable of and utilize the most current technology available to prevent access to information, documents, or communications within the parenting coordination process to unauthorized third parties.

B. A PC should utilize protection against viruses and malwares, as recommended by the relevant privacy legislation, when utilizing a computer or electronic device for parenting coordination services, including avoidance of wireless communication that is not secure.

C. A PC should develop a protocol for the safe storage and disposal of information and data.

D. A PC should determine the procedures and protocols for providing parenting coordination services remotely or via telecommunications (e.g. telephone, teleconference, electronic group text, email communications, etc.) to ensure the privacy and integrity of the parenting coordination process.

E. A PC shall follow their professional standards regulating telepsychology and interstate and international practice.

Definitions

These definitions are intended to clarify key concepts and terms that appear throughout these Guidelines. Some terms may vary by jurisdiction.

Arbitration: The hearing and determination of a dispute by a neutral third party with decision-making authority.

Collateral Sources: Professionals and nonprofessionals who assist or are invited to participate in the parenting coordination process.

Consent Agreement (or Stipulated Agreement): A written memorialization, sometimes a court order, specifying the terms under which coparents will conduct themselves. A consent agreement should include the details to which the individuals are agreeing and should be signed and dated by both coparents. In some jurisdictions, consent agreement may be referred to as a stipulated agreement.

Coparent: An individual who shares legal responsibility for a child with another individual, regardless of biological relationship or the circumstances under which responsibility has been initiated or defined. Coparents may include grandparents, guardians, or others who serve in a quasi-parenting role with a child.

Decision: In some jurisdictions, PCs have quasi-judicial authority to make binding decisions[6] for coparents to follow, which are often subject to appeal. In other jurisdictions, decisions may be the equivalent of recommendations that are subject to further judicial review before they become binding. Written decisions are often accompanied by an explanation or basis for the decision and the process by which the decision was made.

High-Conflict Coparents: Coparents who are unable to resolve the overwhelming majority, or all, of the disputes that arise between them regarding the health, education, general welfare, and process of raising their common children. These individuals tend to rely on the courts or other third-party professionals for recommendations or directives for resolution of such disputes and frequently struggle with communication with one another regarding their common children.

Intimate Partners: Individuals who share or have shared a close interpersonal relationship, often including those who are married or have been married in the past; those who are dating, whether or not the couple has shared sexual intimacy and regardless of sexual orientation; those sharing a familial connection, such as adult family members like parent-child, and cohabitants, current and past. In the context of parenting coordination, intimate partners will usually refer to coparents who share children in common.

Intimate Partner Violence (IPV): Physically aggressive behaviors involving the intentional use of physical force with the potential for causing injury, harm, disability, or death and include: sexually aggressive behaviors; unwanted sexual activity that occurs without consent through the use of force, threats, deception, or exploitation; economically aggressive behaviors involving the use of financial means to intentionally diminish or deprive another of economic security, stability, standing, or self-sufficiency; psychologically aggressive behaviors involving intentional harm to emotional safety, security, or wellbeing; and, coercively controlling behaviors involving harmful conduct that subordinates the will of another through violence, intimidation, intrusiveness, isolation, and/or control.

Joint Custody: An arrangement referring to the sharing of responsibility for children, physically (where the child resides or spends time), legally (decision-making), or both. Joint custody, when not distinguished, does not necessarily delineate the percentage allocation of parenting time (time-

[6] There are different terms for "decisions," based on jurisdictional differences, such as awards, determinations, binding recommendations, etc.

sharing) or legal authority. Joint custody may also be called "shared parenting" or "shared care." A PC should clarify and not assume the underlying meaning of the phrase.

Family Mediation: A process through which a neutral third-party facilitates communication between individuals in a dispute with a goal of helping them resolve that dispute on their own. There are different models of mediation; some are not confidential and may include recommendations to coparents or the court.

Order: A legally binding directive issued by a court or an individual with judicial authority in the jurisdiction where the order was entered, such as a judge or magistrate.

Parent: An individual legally, financially, and physically responsible for children, regardless of biological relationship or circumstances under which responsibility has been initiated.

Parenting Time: The allocation of time each parent has care and responsibility for the children, and any specific guidelines or restrictions that may be in place regarding the schedule.

Recommendation: A proposal for the resolution of a dispute or disagreement, often accompanied by an explanation of the rationale or basis for the recommendation. Recommendations may or may not be binding, depending upon the jurisdiction in which the recommendation is made. Some recommendations become binding after a defined period or under certain circumstances.

Screening: An initial and ongoing process in which a PC will gather information regarding the background of the family members and circumstances and then assess the appropriateness of the family for participation in the parenting coordination process.

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Effective Use of Parenting Coordination: Considerations for Legal and Mental Health Professionals

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Author's note

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Abstract

Parenting Coordination (PC) is a dispute resolution and case management role to assist high conflict coparents (Coates et al., *Family Court Review*, 2004; 42, 246–262; Sullivan, *Journal of Child Custody*, 2008; 5, 3–24; Carter & Lally, *Parenting Coordination in Post-Separation Disputes*, 2014; Fidler, *Canadian Family Law Quarterly*, 2012; 31, 237–273). A revision of the original practice 2005 guidelines for parenting coordination was just published by the Association of Families and Conciliation Courts in 2019, providing an update for the family justice community about developments in the parenting coordinator (PC) role in the last 14 years. This article focuses on how family law professionals can support effective parenting coordination practice in their jurisdiction. Support begins with understanding the PC

Figures References Related Inform

Recommended

Parenting Coordination Law in the U.S. and Canada: A Review of the Sources and Scope of the PC's Authority

Milfred D. Dale
Hon. Dolores Bomrad
Alexander Jones

Family Court Review

Emerging Parenting Coordination Practices Around the Globe: What We Have Learned

Connie Capdevila Brophy
Dominic A. D'Abate
Silvia Mazzoni
Elena Giudice

Family Court Review

PERSPECTIVES ON PARENTING COORDINATION: VIEWS OF PARENTING COORDINATORS,

role as the most intensive intervention available at this time for high conflict coparents, and guidance about what types of cases are appropriate for referral and which are not. A description of the essential components of appointment orders, parenting coordination procedures, and court review are provided as well to best structure the parenting coordination process for success. Finally, the article addresses how jurisdictions can support the development and maintenance of this unique role.

ATTORNEYS, AND JUDICIARY MEMBERS

Linda Fieldstone,
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Family Court Review

1 WHAT IS PARENTING COORDINATION?

In the spectrum of coparenting [1] interventions available to the family court, parenting coordination is the most intensive intervention available to assist parents who share parenting time and decision-making to do so more functionally. One can think about coparenting interventions as occurring on a continuum of those that are effective with cases that have less problematic and more transitional interparental conflict and dysfunction to those that are effective with cases that have entrenched and intractable conflict. For cases with mild to moderate conflict, parent and coparent educational programs, which are becoming increasingly available on-line, can provide evidence-based psychoeducation to parents who can benefit from such information (Moran, Weinstock, & Butler, 2019). These interventions can help parents gain insight into problematic coparenting dynamics and their damaging impact on their children and acquire skills to develop more collaborative and cooperative partnerships. If this early educational intervention, which is recommended and may be required for coparents who have become court-involved, is not effective, coparent counseling, which is a confidential therapeutic intervention, may be recommended or ordered

by the court to assist parents who have been assessed as having more serious, persistent conflict. When these less intensive interventions fail, mediation, either confidential or non-confidential, may be an effective dispute resolution intervention. If mediation is confidential and results in impasse, parents often return to the court to have their dispute addressed by a magistrate or judge. Some parents, even with a non-confidential mediator in place, [2] (whose recommendations are communicated to the court when the parties do not agree), continue to relitigate even the non-legal issues regarding their children. When this occurs, parenting coordination may be the only effective intervention to manage and resolve coparenting conflict (Johnston, 1994; Fieldstone & Bohac, 2009; Deutsch, Misca, & Ajoku, 2018).

This article will describe in more depth the characteristics of this small subset of cases where coparenting conflict does not resolve and help family court professionals understand why the parenting coordination intervention is a better fit for these parents than other coparenting interventions or continued litigation. The article will then address how other professionals in the court system can increase the effectiveness of PC's in their jurisdiction.

2 WHAT IS INTRACTABLE COPARENTING CONFLICT?

Intractable coparenting conflict can be defined as, "protracted family conflict that can ultimately lead to children being harmed, assets dissipated, and ongoing relationships harmed or destroyed." (Burgess & Burgess, 2015 p. 453). The development of intractable conflict between coparents has a predictable course, as does its management and resolution at different phases. Figure 1 illustrates the escalation of conflict, it's impasse (stalemate)

and its de-escalation. Parenting coordination has different utility at different phases of intractable conflict. Moving coparents to the right side of the bell curve opens the possibility of peacebuilding and reconciliation.



Figure 1 Open in figure viewer | PowerPoint

Phases of intractable conflict development and resolution. Source: Beyond Intractability. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium. University of Colorado, Boulder. Posted November 2003. Burgess, Heidi and Guy M. Burgess. "What are Intractable Conflicts?" http://www.beyondintractabiity.org/essay/meaning-intractability.

2.1 LATENT CONFLICT

The coparents' feelings of connectedness may have been eroded by long-standing conflicts over differences in a combination of matters such as communication, anger management, parenting style, substance use, sexual intimacy, work and family balance, division of family responsibilities, or debt and finances.

2.2 CONFLICT EMERGENCE

The intensity of conflict escalates. Precursors and precipitants of separation and divorce create a context for critical incidents to cause a breach in the relationship and propel co-parents into the legal-adversarial context. Examples of these breaches in the relationship are extra-marital affairs, intimate partner violence, and serious financial or parenting disputes.

2.3 CONFLICT ESCALATION

Coparents "climb the hill" of intractable conflict with

escalating threats, communication cut-off, and the involvement of third parties. Direct engagement/communication is characterized by defensiveness, blame, hostility, threats, and critical commentary. Involvement in the less adversarial court processes such as educational/skills-based programs, collaborative processes, and mediation fail to resolve conflict and the conflict entrenches. Table 1 describes how involvement in adversarial/litigative court processes (hearings, child custody evaluations, trials) reinforces motivations or outcomes, listed on the right side of Table 1, that are antithetical to functional coparenting. Simply stated, litigants do not make good coparents. The longer coparents engage in this litigative context, the more intractable their conflict becomes. The path up the hill of escalated coparenting conflict is not straightforward. Often there are failed peacemaking attempts followed by intensified conflict and de-moralization. Sometimes one parent has reached a point of stalemate and is ready to find an alternative to court involvement while the other has not.

Table 1. Litigants Do Not Make Good Coparents

Is there a problem here?	
Litigants	**Coparents**
Representation – advocacy	Parenting/shared responsibility
Distrust	Trust
Sabotage	Support
Win/lose	Negotiation/compromise
Chaos	Responsibility
Unilateral action	In the best interests of the child
In the name of the child	Resources re-allocated to interventions

Focus on the problem being the other parent Depleted resources financial, emotional Dependency on litigation for Dispute resolution	Training/competency in parenting/coparenting/dispute resolution

2.4 STALEMATE (TOP OF THE CURVE)

The escalation of coparenting conflict brings with it, individual turmoil, exorbitant expense, damage to important family relationships, and assorted other types of misery and hurt. Eventually, it becomes obvious, at least to the court and the professionals working with the parents, that continued court involvement is counterproductive. Neither coparent can win the custody war and everyone has had enough. At that point a window of opportunity for de-escalation and peacemaking is available. A parent may reach-out to someone, perhaps even their co-parent, and ask to try some type of coparenting intervention rather than persisting with more of the same court involvement. This response to the failure of moving past the stalemate is the point in the intractable conflict curve that the coparents, with the encouragement of outside professionals, may agree to appoint a PC. Sometimes coparents progress in de-escalating conflict and peacebuilding without the assistance of a PC.

3 HOW DOES THE PARENTING COORDINATION PROCESS MANAGE INTRACTABLE COPARENTING CONFLICT?

While coparents are operating on the left side of the curve,

the PC's goal is to contain, manage, and ideally reduce their level of conflict while supporting adequate child-focused information-sharing and decision-making. Most importantly, parenting coordination can keep these coparents and their children from continued exposure to the litigative processes in the court system. Since the coparents are often not inclined or motivated to de-escalate their conflict, and may be motivated to seek counterproductive engagement, the goals of parenting coordination at the de-escalation stage of intractability are to structurally disengage the coparents (Sullivan, 2008). PCs can be quite effective in creating a parallel model of coparenting that eliminates the opportunity for coparents to engage in a way that maintains or escalates conflict. Family law professionals should understand that a parallel model of coparenting supports healthy child development much the same as a collaborative/cooperative model of coparenting (Kelly, 2007; Sullivan, 2008). Since a parallel, disengaged model of coparenting minimizes the most toxic factor impacting children's developmental outcomes after divorce - interparental conflict - it is the goal in these cases when their engagement continues to generate conflict. Very detailed parenting plans (Fidler, 2012) and the use of online shared parenting internet platforms are tools and structures that support parallel coparenting. The PC, functioning as the interface between coparents, is able to structure, monitor, and enforce how communication between the coparents occurs, ensuring that coparents get child-focused business done – information-sharing, coordination of day-to-day schedules and activities (education, health, extracurricular), and joint decision-making necessary to implement their parenting plan. The PC can move coparents, despite their reluctance, to shift their interaction to the right side of the intractability curve.

The PC's roles and functions, primarily focused on de-escalating conflict, shift where parents move past the

escalating conflict, shift when parents move past the hurting/stalemate phase into the right side of the Figure 1 bell curve. The PC, still serving as the structural link between coparents, can establish or maintain the disengaged, parallel model. In some parenting coordination cases, typically after a period of minimal, highly structured more positive engagement, the parenting coordination process becomes a training ground to build functional coparenting engagement termed "peacebuilding" in Figure 1. The PC uses their role to build dispute resolution skills such as negotiation and problem-solving that are characteristic of a more collaborative and cooperative coparenting relationship. Conflicted coparents typically first establish a parallel model of functioning and then potentially, after establishing stability with low-conflict minimal engagement, can build more cooperative engagement. When parenting coordination is effective, the process can build the structure and skills for coparents to progress and become less dependent on the PC's involvement in their relationship.

4 WHY IS THE PC ROLE EFFECTIVE?

The PC's role has three elements that makes it particularly effective with high-conflict coparents – authority, knowledge, and availability. No other legal or mental health role or process in the family law arena can combine these three elements as effectively as a PC. Judges have the authority to manage cases and resolve disputes, but their availability to provide these supports in a timely manner is often poor (most often the time from filing a motion to have that motion heard is measured in months, not days) and the specialized psychological and case specific knowledge of the issues is quite variable, depending on the judge. Mediators and counselors working with highly conflicted coparents have the availability and knowledge to address issues but not the authority, if their efforts to resolve disputes fail. Only the PC has the specialized knowledge, availability, and

Only the PC has the specialized knowledge, availability, and authority to be effective with the subset of cases that other processes are ineffective in managing.

5 WHAT CAN BE DONE WHEN A COPARENT WILL NOT AGREE TO THE APPOINTMENT OF A PC?

In some jurisdictions, the appointment of a PC requires the consent of both coparents (AFCC Guidelines for Parenting Coordination, 2019; Dale, Bomrad, & Jones, 2020) because it includes a delegation of the court's authority in the case to the PC. Although it is often the case that after some negative experience of litigation post-decree described earlier coparents agree to appoint a PC, sometimes one or both are not agreeable. When the court (or attorneys) has a parent who will not agree to a PC appointment, two approaches are possible to deal with this opposition. First, for example, the order for a PC with only recommending authority to the court might have a court review procedure, which states that a recommendation becomes a binding order if neither coparent objects in 5 days in writing and if they do object the procedure should then provide for an immediate court hearing on the issue.

Another approach to addressing a co-parent's resistance to appointing a PC is for the judge and/or legal counsel to suggest that the alternative to continued disputes between coparents is that the court could possibly assign decision-making for all or some of the subject areas exclusively to one of the coparents. This solution is a logical consequence to parents who cannot make joint decisions, such as whether the child should have counseling or a particular medical procedure, and will also not agree to a PC who could resolve the dispute. Without a resolution process, a court may choose to grant sole custody or sole legal decision-making as the only way decisions can be made for

decision making as the only way decisions can be made for the child. Most judges would prefer to name one parent as the deciding parent rather than be tasked to enter orders for each individual decision. The parents can be encouraged to agree to a PC because the parenting coordination process can minimize and ideally eliminate court and attorney active involvement and PC fees are typically less than one attorney's fees.

6 WHEN SHOULD A PC BE APPOINTED?

Parenting coordination is a dispute resolution process that is typically implemented after a parenting plan has been established. PCs are usually experienced mental health professionals (MHPs), legal professionals (family law attorney, retired judge), or family mediators appointed by the court to assist coparents in cases where coparenting conflict is assessed to be intractable. The PC role is not typically intended to be used for the development of the parenting plan, but for the implementation of the parenting plan (PC Guideline VII.H). The exception to a post-decree appointment is when the coparents have an interim or temporary parenting plan, while processes are occurring (e.g., a child custody evaluation) in order to establish a more permanent parenting plan. A PC appointment may also be particularly useful when a temporary parenting plan is in place and there is an expectation that if a coparent addresses individual issues that are restricting their parenting involvement their parenting involvement will increase.

Similarly, the PC can be useful in developing and modifying parenting plans when a coparent's involvement is restricted because of child-based developmental reasons (i.e. the child is quite young or the child has special needs that have restricted a coparent's involvement). Common to many

step-up parenting plans (Kline-Pruett, Deutsch, & Drozd, 2016) is an expectation that with time, or successful interventions, a coparent's time with the children may increase. Having a PC manage this process can have considerable benefits to judicial case management (Sullivan, 2019).

7 WHY NOT HAVE PCS INVOLVED PRIOR TO A PARENTING PLAN BEING ESTABLISHED?

Deutsch et al. (2018) noted that judges can have an expectation that PCs should both create and modify parenting plans. There can be several problems with the court delegating its authority to a PC to address disputes that occur in the development of a parenting plan, rather than for its implementation. Addressing significant disputes between coparents, such as relocation issues, school placement, disputes about legal custody designations (sole or joint) and requests by one or both coparents to significantly limit the other coparent's parenting time are not the domain of the PC role. When judicial decisions or settlement processes address these more significant issues, the judge should make sure there is a determination of all components of the parenting plan, including holiday allocation, supportive mental health interventions, etc. Judges should avoid “punting” disputed parenting plan issues (timeshare, school placement, vacation, and holiday periods, etc.) into the parenting coordination process as it begins. It is best practice to hand the PC a detailed, comprehensive parenting plan to implement, as it is more difficult for the PC to develop and maintain a working alliance with coparents when the PC has to make a decision about significant disputed parenting plan issues while attempting to build trust and confidence with these already difficult clients. Similarly, if significant

difficult clients. Similarly, if significant assessment/evaluation is needed to provide recommendations or decisions about disputed issues, this creates a dual role for the PC, who would be acting as both the evidence gatherer and the trier of fact (Parenting Coordination Guideline IV, 2019). Sherril Hayes (2010) has characterized the PC role as "more a cop than a detective," defining the role as more walking the beat, for example managing conflict, resolving day-to-day disputes between co-parents, than engaging in in-depth investigations of substantial issues that may present in these cases. This distinction is also why the scope of authority for PCs in cases precludes issues that require substantial investigation and evidence gathering, such as relocation of a coparent, some school placement disputes, requests to substantially modify parenting time, [3] and any change in the designation of legal custody. When these issues are presented to the PC, they should refer coparents back to the court to resolve them.

8 WHAT ARE PC REFERRAL CONSIDERATIONS?

Referring a case to a PC should focus on two sets of considerations, those that involve the characteristics of the case and those that involve the characteristics of the PC. In addition to the case considerations described above where parenting coordination could be instrumental in structuring and assisting high conflict coparents to implement a parallel parenting model through disengagement, there are other types of cases that are particularly well-suited to the parenting coordination process. These are shared parenting situations that do not have a permanent parenting plan in place, most commonly with very young children, where restrictions in one coparent's time are expected to ease as the child grows. There are many examples of evidence-informed developmentally appropriate parenting plans for

informed developmentally appropriate parenting plans for children between ages 0–6 that recommend incremental increases in the non-primary parent's timeshare until a permanent schedule, sometimes equal parenting time, is reached. Other examples of temporary or gradually implemented parenting plans requiring step-ups in parenting time for the non-primary parent are cases where a coparent's timeshare is restricted (sometimes supervised) because of issues that have been found to negatively impact their parenting and coparenting. These include issues such as substance use disorders, intimate partner violence (IPV), and mental health concerns. Interventions are put into place (voluntarily or by court order) with the hope that resulting parenting issues resolve sufficiently to increase that coparent's time with their children. The oversight and support of these “step-up” plans (Kline-Pruett et al., 2016) require several case management elements that are best addressed by a PC. They include: (1) monitoring compliance with and effectiveness of the required interventions; (2) coordinating and supporting the work of professionals providing the interventions, particularly important when a team approach is in place (Greenberg & Sullivan, 2012; Sullivan, 2019); (3) resolving disputes about the implementation of a pre-determined step-up schedule; and (4) having a direct linkage to the court's authority if that is necessary.

A growing type of high conflict case are those that present with parent–child contact problems (PCCPs) that may be particularly well-suited for the parenting coordination process (Fidler, Deutsch, & Polak, 2019). When these problems have resulted in a child's resistance or refusal to contact with a coparent, and the court has determined or the coparents have agreed that it is in the child's best interests that interventions be put into place to resolve the PCCP, the four elements that combine case management and dispute resolution described above are often essential

and dispute resolution described above are often essential to effective intervention.

In terms of a PC's characteristics, parenting coordination is one of the most challenging and complex roles in the family courts. Specialized experience and training in both legal and psychological domains are required for minimum competency (AFCC Guidelines for Parenting Coordination: Guideline I). PCs who do not have this required competency should not be appointed. As a supplement to the AFCC Guidelines for Parenting Coordination (2019), there are recommendations for comprehensive training of PCs that cover the domains of competence to assist practitioners and the potential referral sources to evaluate a particular PC's level of competence (AFCC Guidelines for Parenting Coordination 2019: Appendix A). It is therefore critical to the effectiveness of the PC role that jurisdictions develop a system to evaluate minimal PC competence prior to referral.

In addition, some cases are better suited to certain PC practice styles. Cases with long-standing disputes will require a stronger hand and a more decisive nature which results in faster decision-making. Some families simply need to see a result, without a long, involved process to be able to move on. Other cases, where the parents are more recently separated and have yet to learn how to coparent and communicate, will benefit from a slower, more educational or skill-building approach to allow the parents to transition into their own decision-making without outside assistance. A relevant distinction may be that one case will fit better with a legal professional who may have more specialized skill in court-related dispute resolution procedures, while another case may be a better fit for a mental health professional who has more specialized skill in managing a team of mental health professionals dealing with an issue such as a parent–child contact problem (Sullivan, 2019). Finally, characteristics such as gender, race, ethnicity,

culture, language fluency, office location, and affordability may be relevant to the PC fit.

9 WHAT TYPES OF CASES MAY NOT BE APPROPRIATE FOR A PC APPOINTMENT?

The AFCC Guidelines for Parenting Coordination state:

> "The dispute resolution process central to a PC's role may be inappropriate and potentially misused by perpetrators of intimate partner violence (IPV), who have exhibited or are continuing to exhibit patterns of violence, threat, intimidation, and coercive control over their coparent. Accordingly, each jurisdiction should have in place a clearly delineated process to develop specialized parenting coordination protocols, screening, procedures, and training in cases involving IPV" (AFCC Guidelines for Parenting Coordination 2019, p.4)."

Given the potential for the parenting coordination process to provide a context for continued perpetration of coercive and controlling abuse in the coparenting relationship, these cases may be better managed in the formal court process. However, if the PC has the specialized training necessary, and the process can be structured to preclude further perpetration of abuse, parenting coordination may still be a good fit.

Often, cases that are not appropriate for parenting coordination are only identified as the PC actually works on the case. When one or both coparents are not able to

respect the authority of the PC, by continued non-compliance (e.g., not following recommendations or not paying fees) or repeated objections made to the court about decisions or grievances about the PC's conduct, the case may require that the court order sanctions to hopefully gain adequate compliance with the parenting coordination process. When complaints may be spurious or even a tactic to force resignation of the PC, the case should be managed directly by the court.

10 COURT ORDERS AND RULES GOVERNING PARENTING COORDINATION

The formal authority for a parenting coordination appointment is derived from court orders, statutes, and rules, including guidelines which proscribe what a PC can do and how the process is structured. Implementation procedures include having a court order, agreement of the parties, statutory authority granted by legislation, local rule, or a combination of these. At this juncture, jurisdictions vary widely in establishing authority for the appointment of PCs by either statute, state rule, or even rules of individual counties or districts (Dale et al., 2020). The process is most effective when standardized with as much uniformity as possible across jurisdictions as to scope of decisions and how the process will proceed. That need for uniformity is a driving factor behind the AFCC Guidelines for Parenting Coordination.

The standardization of appointment orders provides a framework for the process for the PC, the parties, and the court. To the extent orders of appointment can be standardized across jurisdictions, the parenting coordination process will be enhanced and family court professionals and parties will be better educated on what to

expect from the process.

11 THE COURT APPOINTMENT ORDER MUST BE CLEAR, DETAILED AND COMPREHENSIVE

Clear court orders are essential for successful parenting coordination. Orders should, ideally, be driven by statute and rule, which outline the process and authority for parenting coordination. Where no statute or rule defines the role and scope in a given jurisdiction, the appointment order will need to cover what would otherwise be covered by statute.

The AFCC Guidelines for Parenting Coordination 2019, specifically Guidelines VI(a) and (b), establish that court orders should include the essential elements necessary for parenting coordination work including the term of service, purpose of the role, scope of authority, the PC's access to information, limits of confidentiality, procedures for the process and for decision-making, how reports will be submitted to the court, the extent of judicial review, fees, a grievance process, and a process for the termination of parenting coordination.

A standardized order of appointment or Consent Agreement should start with at least the following specifics:

> *IT IS ORDERED that [NAME, ADDRESS, CONTACT INFORMATION] is appointed as the Parenting Coordinator in this case for a term of [LENGTH OF TERM] pursuant to [STATUTORY OR RULE AUTHORITY]. The Parenting Coordinator has the authority and responsibility as follows: [Specific list of duties and issues that can be covered].*

Jurisdictions vary widely in the scope of authority granted to a PC. The appointment order (or, in some jurisdictions such as California, the consent agreement) must include a list of specific issues the PC may consider and make decisions about and the basis for the PC's authority. In jurisdictions that have outlined the authority by statute or rule, reference to that statute or rule will suffice in the appointment order.

The appointment order must specify the PC's broad authority to gather information such as:

IT IS ORDERED that the Parenting Coordinator has the authority to:

> *A. interview the child/all children;*
> *B. interview all members of the immediate or extended families and households of both parents;*
> *C. interview and request the participation of any and all persons whom the Parenting Coordinator deems to have relevant information or to be useful participants in the process, including but not limited to doctors, therapists, school personnel, and child-care providers;*
> *D. recommend that the court order the parents or the child to participate in ancillary services including but not limited to physical or psychological examinations or assessments, counseling, and alcohol or drug monitoring and testing; and*
> *E. make findings and recommendations for a court order on any other related issue.*
> *The parenting coordinator shall have access to:*
> *(i) all teacher reports, and school and medical records of the children, and*
> *(ii) all psychological testing or evaluations concerning the children and parents*

concerning the children and parents.
FURTHER ORDERED that the parents execute the appropriate releases in order for the Parenting Coordinator to obtain the release of documents the Parenting Coordinator deems necessary to the performance of the Parenting Coordinator's services.

12 SCOPE: WHAT DECISIONS THE PARENTING COORDINATOR CAN MAKE

Guideline XI(B) “Scope of Decision-Making” is an extensive but not exhaustive list of specific areas of a parenting plan for which parenting coordination oversight can be utilized. The use of the term “minor” to describe decisions in Guideline XI(b)(1) is not defined but can be interpreted to mean parenting time adjustments or changes which do not increase or decrease parenting time enough to warrant a change in child support obligations. Generally, modifications of a day or two in time, and modifications of exchange time, would be “minor” and well within a PC's authority.

The scope of a PC's role is a delicate balance between enough authority to enforce and implement existing court orders without encroaching on judicial functions and authority, while also respecting individual parent's rights to make day to day decisions for their children (Montiel, 2015). The appointment order must not only outline what decisions the PC can make but must also specify what the court will do with those decisions, once made. Jurisdictions vary in referring to the PC's decisions as recommendations, awards, orders, or determinations.

13 CONFIDENTIALITY

Determination of whether or not parenting coordination is confidential must be established at the outset of the appointment. Where there is no confidentiality in most jurisdictions, the PC's records and communications with a coparent, children, or with any other person contacted in the course of the PC's work may be subject to discovery or court testimony. This lack of confidentiality should be made clear in the appointment order. Since a PC is most often either a lawyer, licensed therapist, or family mediator, whose roles for which confidentiality and privilege are known, express explanations must be made to the client to differentiate the PC role. The lack of confidentiality is necessary to allow the PC to make findings and report all relevant information to the court when making a decision or recommendation, and to preserve due process so that both coparents in the process are given access to the same information considered by the PC. In some jurisdictions where parenting coordination is confidential, other procedures may be established to allow the PC to communicate with the court.

14 FORM OF REPORTS TO THE COURT

The Order of Appointment may require that the PC's recommendation or decision on an issue is submitted in writing and filed with the court with a copy provided to each party. Informal or emailed reports may not have the specificity and clarity necessary for enforceable and effective orders. Ideally, the PC's form of report will include at least the following sections, in a standardized form used in the jurisdiction:

Children involved (names and ages, appropriately redacted for privacy, and notations about any special needs).

Issues. An outline of the specific issues addressed in the

issues. An outline of the specific issues addressed in the report and a statement of issues still pending.

Current Orders in Effect. A statement of current court orders and parenting plans and the provisions of each which are relevant to the issues being addressed.

Each Coparent's Position. A statement of what each parent proposes for the resolution of each issue and response to the other coparent's position.

Findings. Statements of the information obtained by the PC in reviewing and considering the issues and how the PC's ultimate determinations were reached.

Recommendations (Decisions). How the PC proposes (or orders) that each issue is resolved.

15 THE COURT'S ROLE ONCE A PC DECISION HAS BEEN MADE

The court's review process for a parenting coordination report is crucial for success of the process. As stated, enormous variations exist between jurisdictions in what a PC can do. Regardless of the PC's ultimate authority to make recommendations, final orders, or referrals for services, the court's support and implementation of the PC's actions are essential. Upon receipt of a PC report or recommendation, the court should have an expedited process for entering interim or final orders or providing the parties with an opportunity to object to the PC's recommendations by holding a hearing.

Due process requires that the court have some process of review, which may include setting a hearing, before entering new orders. The requirement of judicial review applies except where the parties have agreed to a parenting coordination process which is statutorily defined as binding arbitration (e.g., Arizona). [4] Depending on the jurisdiction, a

court may automatically set a hearing on the PC's recommendations or may set a time frame during which either party may file an objection to the recommendations and be granted an evidentiary hearing. The standard of the court's review may be *de novo*, in which the court essentially starts at the beginning and hears all evidence on the issue as if for the first time, or the court's review can be “abuse of discretion,” a higher standard in which the party opposing the parenting coordination result has the burden to show why that result is incorrect.

The failure to file an objection and request a hearing within the time frame specified in the appointment order usually results in the entry of the recommendations as an interim or final court order. [5] The court can on its own accord set a hearing on a PC's recommendations, if the court wants more information about the proposed orders.

Depending on jurisdictional variations, judges may accept a PC's recommendation in full, accept a part of the recommendation and make modifications to it, or entirely reject a PC's recommendation. In some jurisdictions, a PC recommendation becomes a binding decision in the nature of arbitration and a judge can overturn or change that decision only upon a finding that the PC exceeded their scope in making the decision.

16 GRIEVANCE PROCEDURES

Any jurisdiction utilizing parenting coordination must establish procedures for a party to file grievances about the PC or the process. Complaints about unethical or unprofessional conduct of a PC may be brought to the attention of the professional's licensing body or to the court. These complaints may allege that the PC lacked competence (Guideline I), violated impartiality (Guideline II), had an undisclosed conflict of interest (Guideline III), or

engaged in multiple roles (Guideline IV). Typically, these complaints accompany an objection to a particular decision the PC has made and must be heard by the court before considering entering the recommended decision. As noted above, a co-parent's objection to the PC's recommendation, stating that a wrong decision has been made is also subject to court review so long as the aggrieved party files a request for an evidentiary hearing within any mandated time frame. A controversial issue is whether the PC can continue to work in a case when a licensing complaint has been filed against them. This is particularly true when it is clear that the party has filed the complaint as a tactic to remove the PC from the case. Though it is clear that ongoing work is not appropriate if the PC cannot continue to act in an impartial manner, it is less clear if continuing work creates a multiple role (defendant in a licensing board action and PC with a party) as the PC's professional risk increases significantly.

17 PARENTING COORDINATION FEES

The fee structure must be established at the outset of the parenting coordination process for the protection of the client and the PC. The PC's hourly rates are typically set by the individual PC and should be made known to the parties, whenever possible, before the appointment order is signed. In some jurisdictions, the parties must explicitly agree to the PC's hourly rates (or at least a range of rates) before the Order of Appointment can be entered. Fees reflect each professional's hourly rate for legal or court-related work as well as that individual's expertise and qualifications. Fees will usually be charged for all of the PC's work, including meetings, phone calls, document review, court appearances, emails, consultation with other professionals (therapists, evaluators) and with third parties (teachers, other family members, tutors, coaches, physicians), and

preparation of reports and recommendations.

Each party's respective responsibility for the allocation of fees must also be explicitly ordered by the court, not determined by the PC. Here is an example of language specifying fee allocation:

> *IT IS FURTHER ORDERED that [FATHER/ MOTHER] shall assume and pay 50% of the Parenting Coordinator's fees and [FATHER/ MOTHER] shall assume and pay 50% of the Parenting Coordinator's fees. IT IS FURTHER ORDERED that the parents pay the Parenting Coordinator in accordance with the Parenting Coordinator's fee agreement*.

This form of appointment order regarding fees should require that the individual PC provide their own form of Fee Agreement (contract) which explains the fee structure in detail. The court order defines each parent's percentage of the total fees. Whether or not the PC requires a retainer and/or an advance deposit to be held depends on the individual, and a specific Fee Agreement will explain all aspects of the billing process to the client. PCs should diligently itemize all work performed and send written bills at least monthly to keep the client fully advised of all work done on the case. The PC should not allow the payment of their fees to become delinquent and they should suspend services until such time as fees are brought current and/or the retainer is replenished. Working with one or both coparents owing fees may place the PC in a dual role with that coparent and impair their perceived impartiality.

18 SETTING UP THE PC PROCESS TO SUCCEED: PITFALLS, LIMITATIONS

AND STRUCTURES

18.1 THE PC DOES NOT CREATE THE ORIGINAL PARENTING PLAN

The PC does not, without express court order, create parenting plans, nor does the PC work with parents to help create it. The latter process would generally be described as mediation. [6] The Overview to the AFCC Guidelines for Parenting Coordination (2019) provides a summary of PC duties, including reference to assisting coparents engaged in high conflict coparenting to implement their parenting plan. Implementation is not creation or substantial revision (e.g., addressing a relocation request by a parent). The PC will explain, interpret, monitor, and enforce that plan, while making minor changes and tweaks necessary to make the already-adopted plan work.

18.2 WHAT IF THE COURT/PARTIES NEED HELP TO CREATE A PARENTING PLAN AND OTHER METHODS OF DISPUTE RESOLUTION HAVE NOT BEEN SUCCESSFUL? ARE THERE CIRCUMSTANCES WHERE A PC CAN BE APPOINTED TO CREATE THE PARENTING PLAN?

The AFCC Guidelines for Parenting Coordination 2019 anticipate there may be circumstances when a PC is expected to create the parenting plan with the parties. Guideline VII(H) states: *If authorized by a court order or consent agreement, a parenting coordinator may assist coparents in developing or revising a parenting plan*.

If the court's intent is that the PC work with the parents to create or substantially modify a parenting plan, the court order must expressly state that intent and refer to statutory or rule authority for that function. However, in many

jurisdictions, reference to the parenting coordination statute or rule will still not be enough to confer the appointee's ability to create a parenting plan. [7] In the event an appointment order or court order instructs a PC to take actions outside of his authority, the PC must apply to the court for further instructions or decline the appointment.

18.3 THE PC MUST HAVE COMPLETE ACCESS TO DOCUMENTS AND INFORMATION

Guideline VII(A) outlines the initial process and items the PC needs to perform the work:

18.3.1 Intake Process

A PC serves a screening and information gathering function. A PC shall screen clients referred for services for suitability of the process. A PC should review a custody evaluation, interim or final court orders, information from other collateral sources, intimate partner violence protective orders, any other applicable cases involving criminal assault, intimate partner violence, child abuse, and other relevant records such as educational, medical, mental health, therapy, and treatment records, and then analyze the impasses and issues as brought forth by coparents.

Initially, the PC must have access to at least the following regarding a case in order to be helpful:

- Initial parenting plan
- Any court-ordered modifications to the parenting plan
- Any evaluations (limited or comprehensive) done for the family or an individual

Ideally, the initial court order of appointment designates which party or counsel will supply these items to the PC and include a deadline for submission.

The following additional items may be necessary for the PC to review, depending on the issues in a particular case:

Substance testing results

Child's medical and counseling records

Parents' medical and counseling records

School records

Criminal records, police reports, Child Services records

19 COMMUNICATION AND RECORD KEEPING

Guideline X may be the single most important guideline when examining the PC's relationship with others, including parents, counsel, and the court. Guideline X(A) allows *ex parte* contact with either the co-parent or the attorney or both. The PC must be familiar with local laws to determine whether this guideline regarding *ex parte* communication applies in their individual jurisdiction. In many jurisdictions (e.g., Arizona), *ex parte* contact between the PC and a party's attorney is expressly prohibited by the Order of Appointment. Other jurisdictions' statutes, rules, or court orders may or may not include similar prohibitions. PC *ex parte* communication with the court will be subject to the specific appointment order, and *ex parte* contact with the court may be prohibited by the terms of that order.

As part of both their case management and dispute resolution function, the PC must have access to all professionals involved with the family, including counselors, medical professionals, and school, and extracurricular personnel. Working in collaboration with mental health professionals who are frequently providing services to family members is an essential PC role. Extended family members may have valuable information about the

members may have valuable information about the children, or the family dynamics and their involvement may be critical to effective parenting coordination interventions. For this reason, access to significant others, step-family, and grandparents is often essential. While the PC may want to interview step-siblings and other members of a family's household, caution should be exercised in obtaining valid consents, as the parent of a step-sibling may not give consent for the PC to speak with their children.

The PC appointment order should generally order both coparents to execute authorizations necessary for the PC to obtain medical, psychological, and educational records. Issues of medical privacy, privilege and HIPAA concerns should generally be dealt with by the court or in the appointment order, and disputes regarding obtaining those records or claims of privilege must be immediately relayed back to the court for resolution.

Guideline X and best practices both call for either individual or joint initial meetings with the coparents. Whether the initial or subsequent meetings are joint or separate depends on many factors, including the PC's preference, the preference of both coparents; what office procedures are available for the safety of all parties; whether intimate partner violence screening has been done and the results; the existence of protective or harassment orders; and whether alternative forms of communication, including electronic meetings, can be offered and be effective. The PC may find that obtaining background information about the case is made easier by individual initial meetings, but joint meetings thereafter are more efficient to discuss specific details and work toward potential solutions.

The PC should maintain clear, specific, and thorough records documenting all time spent on the case and all communications with each party and with collaterals.

Agreements of the parties and each party's position on pending issues should be documented in the file to allow the court to review all information in its review and/or grievance processes. In jurisdictions where the PC's file is not confidential and may be subpoenaed, the parameters for subpoena of the file (including copying and administrative costs) should be covered in the appointment order/ Service Agreement at the inception of each case.

19.1 PCS COLLABORATION WITH ATTORNEYS

To be successful, the parenting coordination process needs the support not only of the coparents but from the court and each parent's attorney, if any. While the attorney's uppermost concern is always the attorney's duty to the client, the PC and attorneys both share a commitment to the best interests of the children. Attorneys should be able to rely on the PC to assist their clients and compile relevant information that the attorneys (and the court) may not otherwise have access to, absent the PC's assistance (Higuchi & Lally, 2014). The information compiled by the PC may not be confidential, and where not confidential, the court's access to that additional information should inform more helpful and detailed court orders.

Attorneys and the PC should, early in the case, confer and clarify goals for parenting coordination. Generally, the PC goals will involve improvement but not perfection, in the parents' coparenting. Some cases will call for the minimization of communication between the coparents (disengagement) rather than direct, frequent and detailed communication. Attorneys can enhance the process by explaining disengagement and parallel parenting concepts to their clients and managing the coparents' expectations. The PC can also communicate to the attorneys that, at least in cases involving two competent parents, parental

autonomy is a goal rather than court or the other coparent's micro-management of parenting decisions.

Exchange of information between attorneys and the PC is important, both to ensure transparency to the process and to avoid conflicting and confusing orders. Attorneys often have the more current and relevant information and more access to new court filings, court orders, and court scheduling than the PC can obtain. Likewise, the PC will often be aware of information the attorneys might not otherwise have. Giving the attorneys advance notice of new facts or a forthcoming recommendation will enhance trust and respect between the professions. Attorneys who are properly advised can assist in managing the clients and preparing them for changes that otherwise might cause extreme behaviors. PCs can also be of assistance in "coordinating" disagreements between attorneys which otherwise could complicate litigation, such as when depositions or hearings can be postponed to reduce conflict while other measures are utilized first.

Attorneys sometimes mistake a PC's unwillingness to engage in *ex parte* communication as an unwillingness to speak with both attorneys in a conference call. Most PCs, however, welcome joint conference calls with counsel to discuss solutions. Similarly, PCs sometimes mistake an attorney's request for communication as an attempt to interfere in the parenting coordination process, and this likewise would be an unfortunate error. Professionals in all areas of the dispute need to model respect and collaboration in their own interdisciplinary communication as rigorously as they encourage their clients to communicate better as coparents.

Counsel for each coparent should be willing to participate in joint calls with the PC when requested. A helpful PC/attorney call at the commencement of parenting

coordination work will include identification of all court orders and documents important to the case (assessments, final parenting plans, modifications, and evaluations); discussion of any IPV or abuse issues, and exchange of any current orders of protection; discussion of the PC fee agreement and billing processes; specific scope and authority issues to identify client and attorney goals and ensure the goals coordinate with the PC's authority; guidelines for how the PC will communicate with the parents and the lawyers, including discussion of *ex parte* communication; and exchange of any relevant upcoming dates including court dates, vacation schedules and the like (Fidler & Greenberg, 2019).

19.2 JUDICIAL SUPPORT OF PARENTING COORDINATION

Courts must be cautious in not requesting the PC act in roles that exceed their scope of authority. While it is not uncommon for a judge to want the advice or recommendations of a skilled PC about appropriate legal decision-making or parenting time orders, the PC rarely is vested with authority to give such a recommendation. The PC can assist the court with these decisions without violating the scope of authority, by providing specific data points on these issues within the scope of their role without rendering an ultimate opinion or recommendation.

Judges can support the parenting coordination process by acting timely when a PC report is received, as outlined above. Judicial processing and entering of court orders on a timely basis is crucial to support the process and the coparents. When the coparents become aware that a PC's report, when filed with the court, becomes a court order on an expedited basis, coparenting can be enhanced. Coparents involved in litigation for years have become used to waiting weeks and months for decisions from the court

to waiting weeks and months for decisions from the court. When the more streamlined and expedited parenting coordination process starts, these coparents see real progress as their issues are resolved in a timely (and less expensive) manner. When a PC report is made a court order within a matter of days from when the parties brought the issue to the PC (subject to objection or review provisions that vary by jurisdiction), the process is given credibility.

Judges can further assist the parenting coordination process by promptly responding to a PC's requests for the setting of a status/case management conference, as the PC is in a unique position to identify when judicial intervention is necessary.

Judicial acceptance of the parenting coordination role in their jurisdiction is crucial for the continued support of the process. Generally, the more familiar a judge becomes with the process, the more the process is appreciated. Parenting coordination applied to a case of “frequent fliers,” the parents who return for multiple post-judgment court orders the most often, can drastically reduce court time spent on those cases. The effect is cyclical: the more a coparent is involved with the actual resolution of disputes about parenting plan implementation and feels heard in the process, the more likely that coparent is to accept and abide by the result, even if that coparent did not “win.” Parenting coordination allows the coparents far more input into the final result than a single court hearing, which usually provides very limited time spent in front of a judge.

Judicial rotations mean that constant, ongoing judicial training on parenting coordination is necessary. Judges unfamiliar with family court, coming off rotations on criminal or civil cases, likely have no knowledge of what a PC can provide to a case. While the use of Special Masters is widely known (and generally accepted) by the judiciary,

parenting coordination is a lesser-known subset of the Special Master process which has long been used by federal and state courts to facilitate specific functions on the court's behalf. Thorough training of family court judges is necessary to fully explain the process and gain buy-in from new family court judges.

19.3 SUPPORT OF THE COMMUNITY AND OTHER PROFESSIONALS

The PC will need a wide range of community resources to draw upon, including referral sources for education, counseling, and training. For this reason, experienced professionals will be in high demand as PCs, as it truly takes a village to provide parenting coordination services to families.

Parenting coordination training is consistently necessary to support the process, as every jurisdiction needs a pool of competent PCs (AFCC Guidelines for Parenting Coordination 2019, Appendix A, 2019). The larger the competent PC pool, the more the court, attorneys, and coparents can consider each prospective PC's strengths for a particular case. While national parenting coordination trainings are routinely scheduled by AFCC and other organizations, many jurisdictions remain underserved with local, easily accessible, and affordable parenting coordination training. Local court systems and localized family court groups can enhance the pool of available PCs by offering in-house court trainings at reduced or no cost. Parenting coordination peer consultation groups are essential for ongoing support, training and mentoring of PCs by more experienced professionals, as referenced in the AFCC Guidelines for Parenting Coordination 2019, Guideline I(H) (2019).

20 CONCLUSION

Parenting coordination is perhaps the most significant area of interdisciplinary collaboration between the courts, mental health providers, attorneys, and family mediators coming together for the benefit of the children of the most highly litigious parents. It is a challenging, highly specialized role in the family justice system to assist those in family court with coparenting disputes that return repeatedly for court intervention.

The positive impact of parenting coordination on court outcomes and on reducing interparental conflict and even child behaviors has emerged from research (Deutsch et al., 2018; Fieldstone et al., 2011; Johnston, 1994), but some conclusions are limited because of small sample size, lack of control or comparison groups, or participants' attrition at the post-test stage.

Support for parenting coordination continues to come from the use of AFCC Guidelines for Parenting Coordination, and other organizations, and from court systems and attorneys, but additional support from the bench is necessary to improve the effectiveness and availability of parenting coordination to high conflict coparents. Since the original Guidelines for Parenting Coordination were published by AFCC in 2005, parenting coordination has gained national and international acceptance, but much work remains to be done to make this dispute resolution process more affordable, practical, and available to parents. Parenting coordination will be most effectively used by the courts when there is a greater understanding of the benefits and limitations of the process, and when it is conducted by well-trained PCs with well-defined authority, procedures, and relationships with the court. The AFCC Guidelines for Parenting Coordination, as revised in 2019, utilize the most current parenting coordination research available and provide additional guidance for effective use and continued successful development of the process.

successful development of the process.

Endnotes

[1] The term “coparent” refers to any legal guardians who share parenting time and decision-making of a children.
[2] Some jurisdictions authorize the appointment of non-confidential mediation which permits the mediator to provide non-binding recommendations to the court if parents do not reach agreement. This “recommending mediation” often results in acceptance of those recommendations by both parents and avoids further court involvement.
[3] Typical appointment orders limit the PC's ability to modify the parenting time no more than to 1–2 overnights a month.
[4] Ariz. Rules of Fam. Law Proc. 74(j)(1). [5] *Id*. at 74(i)(2)(a).
[6] The distinction between family mediation and the parenting coordination process is discussed in the Definitions to the Guidelines. One immediate distinction is that mediation is generally, by rule and statute, a confidential process, and parenting coordination is not.
[7] In Arizona, for example, the parenting coordination rule does not authorize a parenting coordinator to create a parenting plan, and no other statutory or rule authority allows a non-judicial officer to create a plan. Rule 72 of the Arizona Rules of Civil Procedure provides that a Special Master who, by agreement of the parties, may enter other types of orders, is not permitted to enter any recommendations concerning parenting time or legal decision-making.

Biographies

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