

## PARENTING COORDINATION

### What is parenting coordination?

Parenting Coordination is a service for high-conflict couples who are experiencing *chronic* difficulties in resolving parenting issues between themselves. (Note that we are referring to cases where significant conflicts persist *more than 2 years after the separation*. Many separating couples exhibit high conflict in the early stages of separation, but usually those issues are resolved either as a result of an agreement or an interim court order.)

True high-conflict couples are different. These couples keep returning to their lawyers with issues that, from the legal standpoint, might seem inconsequential, including vacation plans, Christmas arrangements, pick-up and drop-off issues, children's activities, or minor adjustments to the parenting schedule. But even when, on the surface, such issues seem relatively minor, there is always a risk that they might escalate to a point of crisis. For example, problems with access may turn into outright denial of access; or issues at pick-up and drop-off times might end up requiring police involvement. Some parents abdicate their responsibilities altogether, as in failing to make important decisions about which school their child should attend, for example.

Traditionally, such clients would turn up at their lawyers' offices over and over, and sometimes court involvement might be necessary. Parenting Coordinators (PCs) provide an alternative to that route. In the Parenting Coordinator model, chronically high-conflict couples may try to resolve their issues with the assistance of a mental health professional, rather than resorting to litigation.

The basic rationale for the PC model is that couples who are unable to resolve some fairly ordinary parenting issues on their own typically have some underlying emotional, personality, and/or relationship issues that need to be addressed. Simply having lawyers and courts settle issues *for them* is not necessarily an effective way to help these couples. *Unless these couples learn to manage their own issues, they will simply be back as soon as the*

*next crisis happens. We have even found that there are some couples who may never learn to manage completely on their own and may benefit from having a professional on call, so to speak, whom they can contact before issues escalate unduly.*

## **History**

The PC model was first developed in Denver, Colorado, in the early 1990's, by an interdisciplinary group of legal and mental health professionals. It arose more or less out of the frustrations of professionals who saw clients who almost always sabotaged every effort to help them. Two members of the group, psychologists Mitch Baris and Carla Garrity, published the first book on their work with high-conflict couples, **Caught in the Middle**, in 1994. It was followed by a second book, **Working with High-conflict Families of Divorce**, which came out in 2001 as a joint effort of several of the group members.

Over the past ten years or so the Parenting Coordination service has become more widely available in several states in the United States and some practitioners are providing the service in Canada as well.

## **Who are Parenting Coordinators?**

Parenting Coordinators are mental health professionals (i.e., social workers, psychologists), typically individuals with experience working with high-conflict divorcing couples in an assessment or a consulting role. PCs must have specific skills over and above the clinical skills that are relevant to their own profession. To succeed as a PC, one must have:

- familiarity with adult divorce recovery issues;
- knowledge of children's divorce adjustment;
- knowledge of parenting in divorce;
- familiarity with child developmental issues;
- knowledge of family violence issues;
- communication skills;
- conflict resolution skills; and
- ease with the legal aspects of divorce.

## Who are the Clients?

Clients who may benefit from PC involvement have usually been *separated for some time*. There is either a court order, or an agreement in place regarding the basic issues of custody and access (although in certain cases, the PC may be authorized by the parties or the court to make minor adjustments to the parenting schedule). Clients may have difficulty implementing the terms of orders or agreements.

It is important to point out that PC clients are not typical mediation clients. Mediation clients are not necessarily but more likely to be recently separated. Mediation clients sometimes have a need to return to mediation after a significant period of successful co-parenting. They may need to adjust a parenting plan to reflect the changing needs of their children, or they may need assistance to resolve a particular issue such as a decision regarding school, activities, or a medical dilemma. With PC clients, there is always something going on; if one issue is settled, another seems to take its place. Almost all communication results in conflict.

More importantly, however, mediation clients ultimately have a greater ability to set aside their marital or personal issues and focus on their roles as parents. These clients are more able to focus on the needs of their children. A client's *temporary* inability to focus on their parenting role should not necessarily be alarming, although children may still be affected. PC clients are parents who remain dysfunctional over a prolonged period of time and who, in our opinion, may benefit from a PC's involvement.

Parents do not always contribute *equally* to the conflict. From a clinical standpoint, there is usually some significant pathology involved in these cases, possibly with both parents, but often with only one of them. A common finding is that one of the parents has a diagnosable personality disorder. Such clients not only pose particular challenges to their partners, but may also fail to honour agreements. In such cases, the PC's involvement may be needed to work in tandem with the court.

## **Who should not be Clients?**

Couples who do not yet have any formal parenting arrangement in place should not be referred. A PC can become involved only when the basic decisions regarding parenting, i.e., decisions about custody and access, have been made.

This is because a PC's role is separate from an assessor's role. A PC does not go out and investigate the parenting capacities of each parent. Those issues should be looked at *before* the PC becomes involved. If an assessment has been carried out, the PC may then rely on that assessment report. The PC role is the next stage, that is, an implementation and monitoring stage.

## **How does a PC become involved?**

1. Clients may retain a PC upon *mutual agreement*. Typically, lawyers would be involved in the initial contracting phase, advising their clients about the terms of the PC's involvement, and any implications regarding their legal rights as a result of that involvement. The terms of the PC Service agreement may be incorporated into a court order.
2. Clients are expected to sign a PC Service Agreement that sets out the functions of the PC, the obligations of the clients, the role of lawyers, confidentiality issues, fees, the term of the service, and the circumstances in which either the clients or the PC may terminate the service.
3. The Service Agreement includes specification regarding whether the PC is being retained to provide services on an "open" or "closed" basis. If the service is "open", then the PC may be requested to provide reports and recommendations to the court. In this model the court has the final decision-making authority. If the service is to be "closed", then no report is issued, and the PC has the decision-making authority as an arbitrator on any issue that is not settled as a result of mutual discussion.
4. Currently, there is no statutory authority in Canada regarding appointment of a PC if the parties do not agree. In recent years some

U.S. jurisdictions have broadened the scope of the court regarding appointment of professionals to assist in resolving parenting disputes, including providing recommendations to the court.

### **The term of the Parenting Coordinator**

The PC is retained for a specified term, typically 6 months to 2 years. During that term the parties may not unilaterally terminate their involvement with the PC. This is an important element of the service because there is a possibility that one of the parties may be unwilling to cooperate with the process if he or she is not getting his or her own way on issues. In many high-conflict cases, that has, in fact, been a source of the couple's problems, i.e., one party has been acting unilaterally regardless of any consequence to the children or the other parent. By agreeing to the involvement of the PC, both parents are effectively agreeing not to take any unilateral action; instead they both agree to work together with the PC to resolve issues.

### **What are the functions of a PC?**

Parenting coordinators have various roles. Typically, they will move from one role to the other during the course of their involvement, as determined by client needs.

**The first major function of the PC is *assessment of the situation*.** This is not to be confused with a formal Custody and Access assessment. It is more in the nature of an Intake Assessment, based on reviewing all relevant documents and interviewing the clients.

In the assessment phase the PC is trying to find out what the conflicts are about, what some of the contributing factors may be, any individual pathology with one or both parents, the dynamics between the couple, the impact of any past litigation, the involvement and possible influence of other people such as new partners or other relatives, any ongoing stressors in the lives of the clients, any special needs of the children, and so on.

Based on the initial intake, the PC may make various interventions, including:

- § *referring* clients to other services, i.e. counsellors, family physician, abuse groups, and parenting groups, if necessary;
- § *educating* parents about cooperative parenting and children’s divorce issues, communication skills, and the co-parenting relationship;
- § *coaching* parents on various co-parenting strategies. This may involve a number of meetings with the parents, either individually or together, and meeting with new partners when relevant.

**This first role of the PC primarily involves counselling and educating** the clients about how to develop a more positive co-parenting relationship.

**The second major function of the PC is *mediation*.** The typical mediation is limited in nature because a Parenting Plan is already in place. Usually it involves fine-tuning an existing Parenting Plan or Court Order. For example, if the Order or Plan provides for “liberal access”, or that “Christmas will be shared”, those provisions may need to be made more specific, so that the couple need not keep fighting over the meaning of those terms. The mediation is carried out as usual, and if issues become settled as a result of the mediation, the PC drafts an agreement.

**The third PC role is *arbitration on limited issues*.** These include children’s activities, vacation plans, school/daycare programs, communication issues, pick-up and drop-off arrangements, or minor adjustments to the parenting schedule. PCs do not make decisions on substantive issues such as change of custody, relocation, or substantial changes to the parenting schedule. It is not the function of PCs to usurp the authority of courts in substantive issues, but to help keep out of court issues that are relatively minor. It is up to the clients, before agreeing to the Parenting Coordination process, to decide, in consultation with their lawyers, what types of issues they are willing to have arbitrated. The arbitration process would typically be fairly informal. However, clients who wish to include the arbitration option must be made aware at the outset that they are agreeing to give the PC the right to make decisions in limited areas and that those decisions will be binding upon them.

**The fourth PC role is *making recommendations*.** If the arbitration option is not desired, the court may be used as the final decision maker. In that case the process remains “open” and the PC may be required to issue a report that

may be submitted as evidence in court. Such a report will include information and recommendations, based on the PC's work with the clients, which may be useful for the court in making an order. The parties, typically via their lawyers, would make it known at the outset whether the court option is preferred, and any reporting requirement.

## **The Role of Lawyers**

1. Clients usually enter the PC process as a result of a referral by their lawyers. Lawyers are needed at the outset to help set up the terms of the engagement.
2. Clients may consult with their lawyers at any point during the process regarding any legal issue. *Clients are reminded that it is the PC's role to advise them about parenting issues.*
3. Clients are advised to return to their lawyers for independent legal advice in the event of any mediated agreement. Occasionally, the PC may invite the lawyers to attend a mediation session with their clients.
4. Litigation is not condoned or encouraged by the PC. Under no circumstance is litigation to be used to deal with parenting issues, (unless the situation is so urgent as to constitute an emergency); however, there may be times when a client and his or her lawyer feel it is necessary. For example, if parents cannot agree about child support payments, a client and his or her lawyer may decide to use the courts to deal with the problem. It is important that all such decisions be discussed with the PC in advance, since litigation of any sort between the parties potentially impacts the PC process. The importance of such communication among the PC, clients, and lawyers must be emphasized. Firstly, such consultation may result in an agreement to use a mediator, who is trained to deal with the disputed issue. Secondly, if mediation is not considered a realistic option and litigation does proceed, the PC would be made aware of the plan and in a better position to deal with the impact that the litigation would have on the Parenting Coordination process.

It is important to note that if the litigation is prolonged, then the success of the Parenting Coordination process can become seriously compromised.

## **Third Party Reports**

Clients are expected to give *consent* to the PC to obtain any relevant third-party information that may be necessary to work with the clients, i.e., custody and access assessment reports, medical/psychiatric/psychological reports, Children's Aid Society records, as well as consent to speak to teachers or day care providers, counsellors, or any other relevant professional.

## **Children**

Clients are also expected to consent for the children to be interviewed, if the PC considers it relevant to do so. A PC will usually have a specific reason to see the children, such as if there is reason to believe that the children may be being harmed by the parental conflict, if one suspects that children are being brainwashed by a parent, if the children are resisting contact with one of the parents, if there are allegations of mistreatment of the children, or other similar situations.

Children are seen separately from the parents; however, the children's interviews are not confidential in that they are subsequently discussed with the parents. That information is typically used by the PC in working with the parents regarding interpretation of how certain parental behaviours may impact on the children, or in discussion about issues that the children may find distressing and how parents can help their children work through those issues. This may help parents to better understand their children's concerns or behaviours and facilitate suggestions about how to handle the children.

Otherwise, children are not generally involved in the PC process directly, i.e., the PC does not provide individual counselling to the children. However, if necessary, they may recommend that parents arrange for counselling.

## **Other Functions**



A PC may have other monitoring types of responsibilities such as:

- inter-parental communication about the children (e.g., by having all e-mails copied to the PC)
- follow-up regarding parental compliance with agreements
- parents' effectiveness with child management issues
- parents' progress in protecting children from conflict

## **Conclusions**

Parenting Coordination is a relatively new approach, which is considered by many professionals and separated parents to be a more constructive alternative in dealing with cases where children are affected by chronic and high conflict between their parents. Continued research is required to continually improve this much-needed service. Education is needed to increase the availability of professionals who are willing and able to provide Parenting Coordination. Advocacy is required so that public funding be made available to separated families who require the service. We believe that the cost of Parenting Coordination would be much less taxing to the public purse than the cost of litigation and all of its casualties, especially the children.

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