

Family

Parenting co-ordinators in Ontario now have professional designation

By **Marianne Cuhaci and Hilary Linton**



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(September 22, 2017, 10:23 AM EDT) -- Unlike most separated parents who settle their disputes within a couple of years, some parents' conflicts continue for many years. These parents keep returning to their lawyers with issues that, from a legal standpoint, might seem inconsequential, but to the parents can be critical enough to compel them to get a second mortgage to fund their battle.

Fights over vacation plans, Christmas arrangements, birthday parties, passport applications, children's activities, pick-up and drop-off issues, or minor adjustments to the parenting schedule can result in major problems, such as outright denial of access or police involvement during a parent-to-parent transition.

It is well known by mental-health professionals and lawyers who work with such families that prolonged parental conflict is immensely harmful for children, and that parents in such situations feel overwhelmed, financially drained, hopeless and even ashamed.

Parenting co-ordination is chosen frequently by such parents. It is a dispute resolution service for high-conflict separated parents to help them resolve issues relating to the implementation of a parenting plan or court order.

The parenting co-ordinator has multiple roles, including coaching and educating parents on co-parenting strategies, facilitating and monitoring their communications and conduct, and mediating disagreements. The process permits parents to function as co-operatively and independently as possible. Co-ordinators have the authority to make cost awards against parents, but they do not have the authority to make decisions about legal custody, relocation or parenting schedules, unless they are temporary or minor.

The parenting co-ordinator also has the authority to enforce the parties' parenting plan or court order by making binding decisions through arbitration if required. Arbitrations conducted by parenting co-ordinators in Ontario are a form of secondary arbitration under s. 59.7(2) of the *Family Law Act*.

Unlike many other jurisdictions, there is no legislation or court direction providing for parenting co-ordination in Ontario. The process is minimally governed by the province's *Arbitration Act*, which requires parenting co-ordinators to screen clients for domestic violence and power imbalances to ensure that the parties can freely present their views without compromising their safety or suffering other negative consequences. Parents seeking a co-ordinator are well advised to seek legal advice on the contract before they sign it.

Parenting co-ordinators should be experienced mental-health professionals or family lawyers, and have knowledge and experience about child development, adult divorce recovery issues, children's adjustment to parental conflict and separation, parenting after separation, parenting schedules, family violence, mediation and arbitration skills, and knowledge of relevant legislation and regulations. An additional requirement is the ability to withstand regular scrutiny from tenacious clients, set boundaries, and remain calm and focused in often highly stressful circumstances.

The FDRP designation

Until recently, there was no certification or standards of practice for parenting co-ordination in Ontario. It fell to parenting co-ordinators to seek their own training and adhere to the best standards available. Most Ontario parenting co-ordinators voluntarily adhere to the Guidelines for Parenting Co-ordination, released by the Association of Family and Conciliation Courts in 2005. But these were drafted for American jurisdictions, which often have specific PC legislation or court guidelines, none of which exist in Ontario.

In many U.S. jurisdictions, for example, the parenting co-ordinator is authorized to report to the court and has some form of immunity. Other Canadian jurisdictions also have models of practice that Ontario co-ordinators have followed, including British Columbia and, more recently, Prince Edward Island.

While these guidelines are useful, Ontario was in need of its own set of standards to reflect its unique reality — namely that parenting co-ordinators act as arbitrators, in accordance with the *Arbitration Act*, the *Family Statute Law Amendment Act* and related regulations, and that all parenting co-ordinators in the province enter into private contracts with the parents.

The FDRP PC is one of three professional designations offered by the Family Dispute Resolution Institute of Ontario (FDRIO). The intention is to ensure that practice standards and training reflect the needs of Ontario consumers and parenting co-ordinators. With consumers increasingly turning to private, out-of-court dispute resolution processes, and given the quasi-judicial role that parenting co-ordinators have in Ontario, the FDRP PC designation creates accountability for all concerned.

FDRIO is the first and only organization in Ontario to offer this designation. Along with standards of practice, certifications, professional education and support for its members, it has a complaints policy for consumers, which is particularly important for parenting co-ordinators and consumers alike.

Candidates for the FDRP PC designation must first join FDRIO.

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