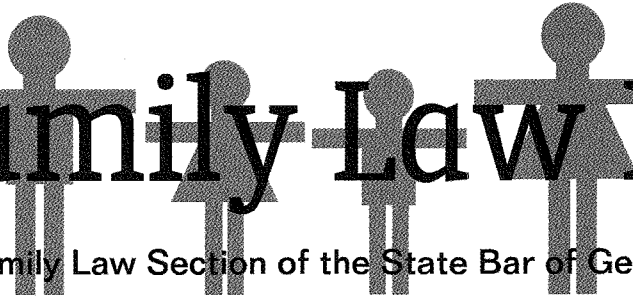


# The Family Law Review



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## Parenting Coordination:

As seen from the bench, a family law attorney and parenting coordinator.

### From the Bench

by Hon. Mary E. Staley

For the sake of their children, divorcing parents must communicate with each other in a healthy manner concerning parenting issues. This poses a serious problem for the approximately 20-30 percent of divorcing parents who exhibit high conflict behaviors. Research indicates that unrelenting parental conflict is the most common cause of poor adjustment in children following a divorce. In the past the legal system has had limited resources available to assist high conflict families. However, the creation of parenting coordinators (PC) in 1997 has resulted in a steadily growing trend throughout the United States, Canada and Europe of using PC's to address problems unique to high conflict divorcing parents.

Parenting Coordination is a non-confidential, child centered process designed to assist conflicted divorced and divorcing parents and help the courts determine the best interest of involved children. It is a form of dispute resolution for cases in which conventional mediation is inappropriate or ineffective due to high levels of conflict. Through education, mediation and case management, the family's progress is monitored to ensure that parents fulfill their obligations to their child(ren) and complying with court orders. With prior approval of the parties or order of the court, the PC may make temporary decisions consistent with the scope of a court order or appointment contract to help high-conflict parents who have demonstrated an inability or unwillingness to make parenting decisions on their own. PC's may be used during the divorce process or post divorce. Parents with serious communication difficulties or with serious allegations about each other may request the monitoring services of a PC. The PC is a mental health professional or family lawyer who is trained to work as a neutral with the parents to ensure parental access and protect children from unnecessary stress. Parenting Coordination goals include:

- Shielding the child from conflict
- Allowing the child to love both parents
- Reducing the child's stress
- Improving the co-parent relationship
- Increasing parental cooperation and respect
- Teaching effective communication skills

- Monitoring any attempts at alienation
- Mediating (pre-divorce) or clarifying an existing parenting plan
- Reducing future litigation
- Monitoring parental behaviors and compliance with court orders
- Reporting non-compliance to attorneys
- Referring those involved for necessary services
- As last resort, provide testimony for the child(ren)

Usually the PC is granted limited authority to make simple and temporary modifications to visitation and custody. This authority is conferred by court order or consent of the parties. Any changes are put in place to reduce stress for the children. For example, it might be wise to change a transfer time or location for a few weeks to alleviate a child's stress at transfer. Ultimately, a parent's visitation rights *can not* be altered in any way by the PC absent parental agreement or court order. Unless both parents agree to a modification after a trial period, the visitation pattern reverts to the original plan as outlined in their order. However, the PC may make recommendations to the parent's and the court about those parenting issues that the parents were unable to resolve to assist the parties in improving their parenting style as well as inform the court about those issues.

Parents that are best suited for a PC are those with high degrees of conflict, with numerous allegations against each other, who engage in frequent litigation and have a chronic inability to communicate regarding child rearing. Parenting coordination is also appropriate for rigid, mistrusting parents, those with emotional instability, substance abuse and/or the need for supervised visitation. Parenting coordination is considered by some to be the only intervention for allegations or findings of parental alienation. For those families with chronic non-compliance and/or ongoing domestic violence, parenting coordination is not appropriate.

Parenting coordination benefits the courts by providing a fresh view of these difficult families. Unlike any other professional working with the courts, the PC has the unique opportunity to see the family in action through

joint meetings. In some cases the PC is appointed in conjunction with the use of a Guardian ad Litem (GAL) or custody evaluator to provide additional information to assist the GAL or custody evaluator. In an ideal situation the PC may help the parents avoid court resolution of their family matters. When cooperation and resolution are not accomplished, the PC's testimony is a tremendous help to the court in rendering a decision that is in the child's best interest. Courts should consider using a PC when it appears that a high conflict family will benefit from a neutral with proper training to assist them in finding a peaceful resolution to their problems.

### From a Family Law Attorney

by Blake Halberg, Family Law Attorney

High conflict families usually require an inordinate amount of our time. Understanding and utilizing parenting coordinators can benefit our practices and the families we serve. Having a PC available to manage the behaviors of both parents allows you to focus on matters such as the financial aspects of the case and not hand holding or listening to on-going stories and allegations our clients tell us about the other party with regard to the children. A PC can also help when both parties are seeking physical custody to expose when one of the parties is seeking custody for some reason other than what is in the best interest of the child(ren). In some cases we can help families by having both of the attorneys recommend to their clients that they learn about parenting coordination. This can be part of their settlement agreement, a recommendation by the GAL, a custody evaluator or ordered by the court. When there is no court order then the parties must both agree by signing a stipulation appointing a parenting coordinator.

Parent Coordinators are generally licensed psychotherapists or attorneys who are trained in mediation, child development, high conflict divorce, domestic violence, as well as parenting coordination.

In situations in which parents have been filing motions, calling the police over immaterial matters or exposing their children to their immature or impulsive behaviors, the PC can become a real God-send for the child(ren). As long as a parent is trying to respect the court order and attempting to work with their co-parent the process will benefit the entire family. For those parents who find controlling, micromanaging and hateful behaviors entertaining, the PC process will either alter their behaviors or be reported back to the attorneys and ultimately to the court. Either way the PC assigned to a family finally provides them with a service that can actually make a difference in the lives of the parents and their child(ren). When parenting coordination is successful, the child's symptoms of stress will be greatly reduced or eliminated. When children feel free to love both parents they are given a tremendous gift by their parents. Keeping parents out of court may save children from having their parents squander their college savings in a never ending series of charges and countercharges that the parents make against one another.

Ultimately, when our high conflict clients engage the services of parent coordination there is an enhanced chance that the parties will not be bringing each other back to court on contempt charges, which at the end of the day is in the best interest of the child(ren).

The states that currently recognize parenting coordination in their statutes include the following: Idaho, Oregon, Oklahoma, North Carolina, Louisiana, Colorado, Minnesota, Florida and Texas. Many other states are creating task force groups, local rules or legislation to allow parenting coordination. For a more complete summary of the states with statutes and a sample court order visit: [www.parentingcoordinationcentral.com](http://www.parentingcoordinationcentral.com).

### From a Parenting Coordinator

by Susan Boyan LMFT, director of the Cooperative Parenting Institute

Parenting coordinators function as a neutral to provide services to the higher conflict family. The PC process is a non-confidential one that allows the professional to take a more active role in monitoring parental behaviors. This allows the PC to report back to the attorneys or testify in court if necessary regarding how the parents are co-parenting and how their behaviors impact the children. The primary role of a parenting coordinator is to shield the child and help the parents to avoid further court action. Our responsibilities vary based upon the language of the stipulation or court order. Generally parenting coordinator responsibilities include:

- Educating co-parents in effective communication skills & anger management
- Mediating parenting issues
- Mediating age appropriate parenting plans or



making modifications to reduce conflict in the post divorce families

- Monitoring parental behaviors & parental access and reporting to the attorneys only as necessary
- Shielding the children from parental conflict, loyalty binds, & unnecessary stress
- Ensuring the execution of the court order or settlement agreement
- Collaborating with all professionals involved with the family
- Determining additional services such as counseling, random drug screens, parenting classes
- Determining the need for reconciliation services for the alienated child and parent

Some PCs will have a time limit on their role while others are open ended as a way to be available to families when they resort back to conflict at future stages in their relationship. When parents have gone as far as they can in the process they are placed on an "as needed" basis so they may return as new issues arise.

Many professionals in mental health and family law become confused by the overlap of other court involved services. Therefore, it is essential to understand the difference between the role of parenting coordinator and other roles that also work with conflicted families. First and foremost, parenting coordination is non confidential which makes the role very different than psychotherapist, mediator or attorney. Furthermore, the PC is more directive and structured than a therapist which helps to ensure the sessions are productive. The PC may provide solutions on a temporary basis when the parents are unable to resolve an issue that must be resolved such as when their order does not define a holiday period and the holiday is only weeks away. Unlike a custody evaluator, the parenting coordinator is not to provide a custody recommendation. However, they may provide information about the child's functioning and parental behaviors that may assist the court in making a custody change. One of the differences between a PC and a Guardian ad Litem is that the PC works primarily with the parents together as a team to address the goals stated above. However, both the GAL and PC are appointed as neutrals who are intended to focus on the child's best interest. They both may report to the court/attorneys and they may have some limited authority. A PC may not recommend custody while a GAL may do so. Unlike a GAL the PC remains available to the family on an "as needed basis" after a case is closed.

The role that is confused the most with parenting coordination is that of co-parenting counselor. On the surface they may appear to be the same service because co-parenting counseling also addresses child(ren)'s issues associated with divorce and family separation while assisting divorced parents to work more effectively as co-parents. However, one of the major differences is that co-parent counseling is a confidential process. As a result, information gathered through co-parent counseling cannot be shared with the court without the agreement of both parents. If highly conflicted parents are ordered

to counseling or co-parenting counseling the professional will have their hands tied by confidentiality and the lack of authority to report non compliance. A co-parent counselor is not required nor expected to share information regarding parental compliance to the court and most would prefer never to testify. Parenting coordinators are expected to testify when needed. Therefore, monitoring of parental behaviors and compliance with court orders can not be accomplished through co-parent counseling. Co-parent counseling is suitable only for parents who are demonstrating mild conflict and those who do not have emotional problems. Co-parenting counseling is not recommended for parents:

- who are experiencing serious conflict
- who are involved in frequent post divorce litigation
- who have made serious allegations of the other parent such as allegations of neglect, of parental alienation, parental instability, domestic violence, addictions and child abuse.

A parenting coordinator has completed a minimum of 40 hours in family mediation training, generally 20 hours of parenting coordination training and has experience working with divorce and families. The number of PC training requirements are determined by each state as part of their local rules or state statutes. They vary from 20-26 hours. Since Georgia does not yet have any legislation anyone may provide this service. Due to the high degree of conflict, the litigious nature of these clients and the fact that approximately 80 percent have personality disorders makes this work extremely important and very difficult. Careful selection should be made in using professionals with at least the minimum training and experience.

Since divorcing parents must continue to communicate for the sake of their children, the ability and willingness to do so is vital to the child's wellbeing. Since the co-parent relationship is so important to the mental health and overall adjustment of the children having a parenting coordinator may be the only way to ensure the children have a healthy childhood. The reason mental health providers and family law attorneys will go out on a limb to provide this difficult service is for the children caught in the middle. When all is said and done, parenting coordination is all about advocating for children in a very active process. *FLR*

### Resources:

[www.parentingcoordinationcentral.com](http://www.parentingcoordinationcentral.com)

Boyan & Termini 2004 *The Psychotherapist as Parenting Coordinator in High Conflict: Strategies and Techniques*, Taylor Publishers

Boyan & Termini 1997, *Cooperative Parenting and Divorce: A Parent Guide to Effective Co-Parenting*, Active Parenting Publishers

The Cooperative Parenting Institute parenting coordination training is scheduled this year in Atlanta on June 24-26 and Nov. 11-13 at the Collaborative Law Center. For more information on the training visit [www.cooperativeparenting.com](http://www.cooperativeparenting.com).