Guidelines for Parenting Coordination

of the BC Parenting Coordinators Roster Society

Foreword

The Guidelines for Parenting Coordination ("Guidelines") are the product of the interdisciplinary AFCC Task Force on Parenting Coordination.They have been adapted for the BC Parenting Coordinators Roster Society.

GUIDELINES FOR PARENTING COORDINATION

Overview and Definitions

Parenting coordination is a child-focused alternative dispute resolution process in which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs, and with prior approval of the parties and/or the court, making decisions within the scope of the court order or appointment contract.

The overall objective of parenting coordination is to assist high conflict parents to implement their parenting plan, to monitor compliance with the details of the plan, to resolve conflicts regarding their children and the parenting plan in a timely manner, and to protect and sustain safe, healthy and meaningful parent-child relationships. Parenting coordination is a quasi-legal, mental health, alternative dispute resolution (ADR) process that combines assessment, education, case management, conflict management and sometimes decision-making functions.

The Parenting Coordinator (hereinafter referred to as "PC") role is most frequently reserved for those high conflict parents who have demonstrated their longer-term inability or unwillingness to make parenting decisions on their own, to comply with parenting agreements and orders, to reduce their child-related conflicts, and to protect their children from the impact of that conflict. Because the PC makes recommendations and/or decisions for the parties and possibly reports to the court, the PC may be appointed by the court. This delegation of judicial authority is a serious issue and courts should only appoint qualified professionals.

PCs should routinely screen prospective cases for DV and decline to accept such cases if they do not have specialized expertise and procedures to effectively manage DV cases involving an imbalance of power, control and coercion.

The purpose of these Guidelines for Parenting Coordination ("Guidelines") is to provide:

1. detailed guidelines of practice for PCs;

2. guidelines for PCs regarding their ethical obligations and conduct;

3. qualifications for PCs, including relevant education, training and experience;

The Guidelines for Parenting Coordination include different levels of guidance:

> Use of the term "may" in a Guideline is the lowest strength of guidance and indicates a practice that the PC should consider adopting, but, from which the PC can deviate in the exercise of good professional judgment.

Most of the Guidelines use the term "should" which indicates that the practice described in the Guideline is highly desirable and should be departed from only with very strong reason.

The rarer use of the term "shall" in a Guideline is a higher level of guidance to the PC, indicating that the PC should not have discretion to depart from the practice described.

Guideline I

A PC shall be qualified by education and training to undertake parenting coordination and shall continue to develop professionally in the role.

A. The PC shall be required to have training and experience in family mediation. The PC should become a certified/qualified mediator under the rules or laws of the jurisdiction in which he or she practices.

B. The PC shall be a licensed mental health or legal professional in an area relating to families, or a certified family mediator with a master's degree in a mental health field.

C. The PC should have extensive practical experience in the profession with high conflict or litigating parents.

D. The PC shall have training in the parenting coordination process, family dynamics in separation and divorce, parenting coordination techniques, domestic violence and child maltreatment, and court specific parenting coordination procedures.

E. A PC shall acquire and maintain professional competence in the parenting coordination process. A PC shall regularly participate in educational activities promoting professional growth. It is recommended that a PC participate in peer consultation or mentoring to receive feedback and support on cases. PC orders and/or private agreements should specify that such professional consultation is permitted.

F. A PC shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the PC's skill or expertise.

G. The Society will consider "grandfathering" existing professionals with appropriate experience.

Guideline II

A PC shall maintain impartiality in the process of parenting coordination, although a PC is not neutral regarding the outcome of particular decisions. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual.

A. A PC shall withdraw if the PC determines he or she cannot act in an impartial or objective manner.

B. A PC shall neither give nor accept a gift, favor, loan or other item of value from any party having an interest in the parenting coordination process. During the parenting coordination process, a PC shall not solicit or otherwise attempt to procure future professional services or positions from which the PC may profit.

C. A PC shall not coerce or improperly influence any party to make a decision.

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

E. A PC shall not accept any engagement, provide any service or perform any act outside the role of PC that would compromise the PC's integrity or impartiality in the parenting coordination process.

Guideline III

A PC shall not serve in a matter that presents a clear conflict of interest.

A. A conflict of interest arises when any relationship between the PC and the participants or the subject matter of the dispute compromises or appears to compromise a PC's impartiality.

B. A PC shall disclose potential conflicts of interest as soon as practical after a PC becomes aware of the interest or relationship giving rise to the potential conflict.

C. After appropriate disclosure, the PC may serve with the written agreement of all parties. However, if a conflict of interest clearly impairs a PC's impartiality, the PC shall withdraw regardless of the express agreement of the parties.

D. During the parenting coordination process, a PC shall not create a conflict of interest by providing any services to interested parties that are not directly related to the parenting coordination process.

E. A PC may make referrals to other professionals to work with the family, but shall avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, or similar remuneration shall be given or received by a PC for parenting coordination or other professional referrals.

Guideline IV

A PC shall not serve in dual sequential roles.

A. A PC shall not serve in multiple roles in a case that create a professional conflict.

1. A child's lawyer or child advocate shall not become a PC in the same case.

2. A mediator or custody evaluator shall be cautious about becoming a PC in the same case, even with the consent of the parties, because of the differences in the role and potential impact of the role change.

3. A PC shall not become a custody evaluator either during or after the term of a PC's involvement with the family.

4. A PC shall not be appointed after serving as a therapist, consultant, or coach, or serve in another mental health role to any family member.

5. A PC shall not become a therapist, consultant, or coach, or serve in any other mental health role to any family member, either during or after the term of the PC's involvement.

6. A PC shall not become one client's lawyer, either during or after the term of the PC's involvement, nor shall one client's lawyer become the PC in that client's case.

B. A PC should attempt to facilitate resolution of issues by agreement of the parties; however, the PC is not acting in a formal mediation role. An effort towards resolving an issue (which may include therapeutic, mediation, educational, and negotiation skills) does not disqualify a PC from deciding an issue that remains unresolved after efforts of facilitation.

Guideline V

A PC shall inform the parties of the limitations on confidentiality in the parenting coordination process. Information shall not be shared outside of the parenting coordination process except for legitimate and allowed professional purposes. A PC shall maintain confidentiality regarding the sharing of information outside of the scope of the parenting coordination process, which is obtained during the parenting coordination process, except as provided by court order or by written agreement of the parties.

A. Parenting coordination is not a confidential process, either for communications between the parties and their children and the PC, or for communications between the PC and other relevant parties to the parenting coordination process, or for communications with the court.[2]

B. A PC shall inform the parties of the following limitations of confidentiality:

1. The PC shall report suspected child abuse or neglect to child protective services whether or not a mandatory or voluntary reporter under provincial or federal law; and
2. The PC shall report to law enforcement or other authorities if the 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.

Guideline VI

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

A. A PC serves an assessment function. The PC should review the custody evaluation, other relevant records, interim or final court orders, information from interviews with parents and children and other collateral sources, and any other applicable cases involving criminal assault, domestic violence or child abuse, educational records, and analyze the impasses and issues as brought forth by the parties.

B. A PC serves an educational function. The PC should educate the parties about child development, divorce research, the impact of their behavior on the children, parenting skills, and communication and conflict resolution skills. The PC may coach the parties about these issues.

C. A PC serves a coordination/case management function. The PC should work with the professionals and systems involved with the family (e.g. mental health, health care, social services, education, legal) as well as with extended family, stepparents, and significant others.

D. A PC serves a conflict management function. The PC's primary role is to assist the parties to work out disagreements regarding the children to minimize conflict. The PC may utilize dispute

resolution skills from principles and practices of negotiation, mediation, and arbitration. To assist the parents in reducing conflict, the PC may monitor the faxed, emailed, or written exchanges of parent communications and suggest more productive forms of communication that limit conflict between the parents. In order to protect the parties and children in domestic violence cases involving power, control and coercion, a PC should tailor the techniques used so as to avoid offering the opportunity for further coercion.

E. A PC serves a decision-making function. When parents are not able to decide or resolve disputes on their own, the PC shall be empowered to make decisions to the extent described in the agreement or court order, or to make reports or recommendations to the court for further consideration where appropriate. PCs should communicate their decisions in a timely manner in person or by fax, e-mail or telephone. In the event decisions are provided orally, a written version shall follow in a timely manner.

F. A PC shall not offer legal advice.

Guideline VII

A PC shall serve by parent stipulation and/or formal order of the court, which shall clearly and specifically define the PC's scope of authority and responsibilities.

A. A court order or written agreement of the parents is necessary to provide the PC authority to work with the parents outside of the adversarial process, to obtain information, and to make recommendations and decisions as specified in the order.

B. In addition to the court order or agreement for the PC, a written agreement between the parties and the PC may be used to detail specific issues not contained in the court order or agreement, such as fee payments, billing practices and retainers.

C. The court order or agreement should specify a term of service for the PC, including starting and ending dates. Parents can request that a PC continue for additional terms of service following the expiration of each term or can decline to renew the PC's services. Similarly the PC can give notice prior to the end of the term of service that the PC will not continue to serve as PC.

D. A PC should not initiate providing services until the PC has received the fully executed and filed court order appointing the PC, or the parents, their counsel (if any) and the PC have signed a consent agreement, if any.

Guideline VIII

A PC shall facilitate the participants' understanding of the parenting coordination process so that they can give informed consent to the process.

A. The position of the PC is one of considerable authority and power. It is important that parents fully understand the extent of the parental rights and power they are assigning to the PC in the form of decision-making, the limited nature of the confidentiality of the process, the professional persons with whom the PC will be authorized to consult or obtain information, and what the parents' rights are in seeking redress with the court.

B. In the first session, a PC should carefully review the nature of the PC's role with the parents, to ensure that they understand what the parenting coordination process involves.

Guideline IX

A PC shall fully disclose and explain the basis of any fees and charges to the participants.

A. All charges for parenting coordination services shall be based upon the actual time expended by the PC or as directed by the local jurisdiction's parenting coordination program. All fees and costs shall be appropriately divided between the parties as directed by the court order of appointment or as agreed upon in the PC's written fee agreement with the parties.

B. Prior to beginning the parenting coordination process, and in writing, a PC shall explain to the parties and counsel the basis of fees and costs and the method of payment and any fees associated with postponement, cancellation and/or nonappearance, as well as any other items and the parties' pro rata share of the fees and costs as determined by the court order or agreed to by the parties. In cases of domestic violence involving power, control and coercion, the PC shall hold individual sessions with the parties to convey this information.

C. Activities for which a PC may charge typically include time spent interviewing parents, children and collateral sources of information; preparation of agreements; correspondence, decisions and reports; review of records and correspondence; telephone and electronic conversation; travel; and meetings.

D. The PC should comply with any local statute or practice rules regarding fees. A PC may request a retainer or advance deposit prior to starting a case. The parties should be billed on a regular basis and notified when the retainer or advance deposit, if any, is to be replenished.

E. A PC shall maintain records necessary to support charges for services and expenses and should make a detailed accounting of those charges to the parties, their counsel or the court on a regular basis.

Guideline X

A PC will communicate with all parties, counsel, children, and the court in a manner which preserves the integrity of the parenting coordination process and considers the safety of the parents and children. The PC will have access to persons involved with family members and to documentary information necessary to fulfill the responsibilities of the PC.

A. Because parenting coordination is a non-adversarial process designed to reduce acrimony and settle disputes efficiently, a PC may engage in individual communications with each of the parties and/or their lawyers, if specified in writing in the order of appointment or PC agreement. The PC may initiate or receive individual oral or written communications with the parties and their lawyers, legal representatives of the children, and other parties relevant to understanding the issues. The PC should do so in an objective, balanced manner that takes into consideration the possibility or perception of bias. The PC should communicate agreements, recommendations, or decisions to all parties and counsel at the same time.

B. If reports are written, the PC should follow the court's rules or instructions regarding whether the court should receive a copy. The PC shall not communicate with the judge without the knowledge of the parents.

C. The PC typically should have access to any persons involved with family members including, but not limited to, the custody evaluator, lawyers, school officials, and physical and mental health care providers. The PC shall have the authority to meet with the children, any stepparent or person acting in that role, or anyone else the PC determines to have a significant role in contributing to or resolving the conflict. The PC should notify any such collateral sources that information obtained from them is not confidential and that it may be used in making decisions or writing reports or recommendations to or testifying in court.

D. The PC should have access to all orders and pleadings filed in the case, as well as the custody evaluation report, school and medical records of the children, and reports of psychological testings that were generated prior to, during or after the pendency of the case. The court order and/or agreement should require that the parties execute releases and consents to permit access to such data and other relevant information.

E. The PC should have initial individual and/or joint interviews with the parties, and may want to interview the children if the PC has the appropriate training and skills. PCs may interview any individuals who provide services to the children as needed to assess the children's needs and wishes. The communication between the parties may be in joint face-to-face meetings, telephone conference calls, individual face-to-face or telephone meetings, e-mail, or fax. The PC should determine whether separate or joint sessions are most appropriate at any particular time. In cases of domestic violence involving power, control and coercion, the PC shall conduct interviews and sessions with the parties individually.

F. The PC shall be alert to the reasonable suspicion of any acts of domestic violence directed at the other parent, a current partner, or the children. The PC should adhere to any protection orders, and take whatever measures may be necessary to ensure the safety of the parties, their children and the PC.

G. The PC should be alert to the reasonable suspicion of any substance abuse by either parent or child, as well as any psychological or psychiatric impairment of any parent or child.

H. The PC should keep notes regarding all communications with the parties, the children and other persons with whom the PC speaks about the case.

I. A PC shall document in writing all resolutions agreed upon by the parties or determined by arbitration, noting the process by which the agreement or decision was made.

J. The PC shall maintain records in a manner that is professional, comprehensive and inclusive of information and documents that relate to the parenting coordination process and that support decisions and recommendations by the PC.

Guideline XI

A PC should attempt to facilitate agreement between the parties in a timely manner on all disputes regarding their children as they arise. When parents are unable to reach agreement, and if it has been ordered by the court, or authorized by consent, the PC shall decide thedisputed issues.

A. A PC may be granted the authority to make decisions for the parties when they cannot agree, or the PC may be allowed only to make recommendations to the parties or the court. A PC should be knowledgeable about governing law and procedure regarding decision-making or arbitration by the PC.

B. A PC shall have only the authority that is delegated in the court order or the consent provided by the parties. If so written in the order or consent agreement, a PC may have authority to resolve the following type 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. Transitions/exchanges of the children including date, time, place, means of transportation and transporter;

3. Health care management including medical, dental, orthodontic, and vision care;

4. Child-rearing issues;

5. Psychotherapy or other mental health care including substance abuse assessment or counseling for the children;

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

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

8. Enrichment and extracurricular activities including camps and jobs;

9. Religious observances and education;

10. Children's travel and passport arrangements;

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

12. Communication between the parents about the children including telephone, fax, e-mail, notes in backpacks, etc.;

13. Communication by a parent with the children including telephone, cell phone, pager, fax, and e-mail when they are not in that parent's care;

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

15. Role of and contact with significant others and extended families;

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

17. Parenting classes for either or both parents.

C. The PC should use or gather written or verbal statements of the dispute from each party, as well as other relevant sources of information. The methodology used by the PC shall be fair to both parties, and be transparent to both the court and the parties. Each party shall be given an opportunity to be heard in the process. Notice shall be given as to what is expected from the participation of the parties and the consequences of nonparticipation. If one party refuses to cooperate after notice, then the PC may continue to resolve the dispute.

D. The PC shall issue a written resolution of the dispute or a verbal decision in time sensitive matters to be followed by a written decision.

E. A PC shall refrain from making decisions that would change legal custody and physical custody

from one parent to the other or substantially change the parenting plan. Such major decisions are more properly within the scope of judicial authority. PCs may need to make temporary changes in the parenting plan if a parent is impaired in his or her functioning and incapable of fulfilling his or her court-ordered parenting functions until further information and assessment is obtained and the court has assumed decision-making responsibility.

Guideline XII

A PC shall not engage in marketing practices that contain false or misleading information. A PC shall ensure that any advertisements regarding qualifications, services to be rendered, or the parenting coordination process are accurate and honest. A PC shall not make claims of achieving specific outcomes or promises implying favoritism for the purpose of obtaining business.

Guideline XIII

To be accepted by the BC Parenting Coordinators Roster Society a PC candidate shall be of character satisfactory to the Society, be a member of a professional organization and complete training in the subject areas set out in Appendix A or the equivalent.

APPENDIX A:

RECOMMENDATIONS FOR COMPREHENSIVE TRAINING OF PARENTING COORDINATORS

A Parenting Coordinator ("PC") should have training in each of the following subject areas as reflected in the modules below. It is anticipated that mental health and legal professionals will have acquired some of the knowledge and experience in the competency areas listed, particularly in Section II, and in mediation training. Training programs may want to accommodate different levels of prior training and experience by offering training in these four modules and developing a process for exempting certain professionals from any of the modules where competency is established.

Module 1: The Parenting Coordination Process

A. The various functions of the PC

B. Limitations of the parenting coordination process, including the difference between parenting coordination and parent education, therapy, custody evaluation and dispute resolution processes

C. Professional guidelines of practice for PCs

1 The interplay between other professional guidelines and professional practice guidelines and provincial guidelines for court-appointed PCs
2 The potential for conflict of interest of the PC and the people to whom parenting coordination services are offered

D. Issues that are appropriate and not appropriate for parenting coordination

E. Characteristics of individuals who are appropriate and not appropriate to participate in the parenting coordination process

1. Appropriate courses of action when confronted with substance abuse during the parenting coordination process
2. Screening for domestic violence and appropriate courses of action when confronted with domestic violence during the parenting coordination process

3. The effect of domestic violence on parents involved in the parenting coordination process
4. Situations in which the PC should suggest that the parties contact the supervising judicial officer, independent legal counsel, postpone or cancel the parenting coordination session, suspend the parenting coordination process, or refer the parties to other resources

F. When to refer parties to services for child protection or elder abuse, and the issue of confidentiality as it applies to each

G. Special needs of the represented or unrepresented party

Module 2: <u>Family Dynamics in Separation and Divorce</u>

A. Psychological Issues in Separation and Divorce and Family Dynamics
1. The impact divorce has on individuals and on family dynamics and the implications for the parenting coordination process
2. Useful psychological research and theories applicable to the intervention for high conflict families
3. How emotions impact on divorce issues and on a party's ability to participate effectively in the parenting coordination process.
4. Sources of divorce/separation impasses, including parental behaviors associated with personality disorders, and the related implications
5. How to promote awareness by the parties of the interests of persons affected by actual or potential agreements, who are not represented during the parenting coordination process
   a. The impact of grandparents, step-parents and significant others on family systems and the parenting coordination process
   b. Situations in which participation of non-parties (e.g., grandparents, children, new spouses) may be necessary in the parenting coordination process

B. Issues concerning the needs of children in the context of divorce
1. The needs and adjustment of children and the effect of divorce on their relationships with their mother, father, step-families, siblings and others in the family relationship
2. Child(ren)'s developmental stages and how they relate to divorce and parenting arrangements
3. The impact the parenting coordination process can have on the children's well-being and behavior
4. When and how to involve children in the parenting coordination process
5. Indicators of child abuse and/or neglect and the process and duty to report allegations of child abuse and/or neglect

C. Dealing with high conflict parents
1 The impact of parental conflict and appropriate parenting on children's well-being
2 The dynamics of child alignments, estrangements and alienation

3 Various parenting arrangements that consider the needs of the child(ren) and each parent's capacity to parent, including modifications for high conflict situations

D. Dealing with domestic violence issues
1. The different research-based types of domestic violence, including conflict-instigated violence, violence involving power, control, and coercion (often referred to as male battering), female violence, and separation-engendered violence
2. The unique problems and inherent dangers presented by domestic violence of all types in terms of parental contacts, and the need for safe PC procedures and child exchanges
3. The importance of monitoring compliance with the parenting plan
4. The psychological impact of domestic violence on child and adolescent development

E. The different co-parenting relationships of cooperative, parallel, and conflicted parenting

Module 3: <u>Parenting Coordination Techniques and Issues</u>

A. Structuring the parenting coordination process
1. The initial session and preparing the parties for the process
2. Scheduling the time and location, and establishing the format of each conference and focusing discussion
3. Structuring and managing the discussion, maintaining control of the sessions, and utilizing appropriate case management skills
4. Managing separate sessions, telephonic and e-mail communication
5. Maintaining appropriate records and documentation as a PC

B. The PC's informed consent, including limits on confidentiality

C. The PC's service contract and fee allocation

D. The role of the parenting plan in the parenting coordination process, including how to develop, monitor and modify a parenting plan

E. The characteristics that enhance or undermine the effectiveness of the PC including, but not limited to: demonstrating empathy, building rapport, establishing trust, setting a cooperative tone, sympathetic listening and questioning, empowering the parties, remaining non-judgmental, language use, and non-verbal communication skills

F. Awareness of personal biases, prejudices and styles that are the product of one's background and personal experiences that may affect the parenting coordination process

G. Socio-economic, cultural, racial, ethnic, language, age, gender, religious, sexual orientation and disability issues, which may arise and/or affect the parties' negotiation styles, ability or willingness to engage in the parenting coordination process

H. Building on partial agreements including when and how to switch between dispute resolution processes

I. Arbitration procedures, appropriate arbitration decisions, and writing and filing arbitration decisions/awards

J. Appropriate techniques for handling difficult situations

K. Appropriate boundaries of a PC
1 Safety procedures for those participating in the parenting coordination process
2 Office safety policies and working with clients having current restraining and protective orders
3 Establishing appropriate limits for client demands

L. When and how to use outside experts effectively
1 How to assist the parties in deciding on appropriate community resources
2 Developing a list of social service resources, including those for domestic violence situations

M. The impact of high conflict client behavior on the parenting coordination process and the PC and avoiding professional burn-out

N. Reasons for a PC to decline an appointment, withdraw or request appropriate assistance including, but not limited to, when the facts and circumstances of the case are beyond the PC's skill or experience
O. Strategies for handling situations when faced with disability issues or special needs

Module 4: <u>Court Specific Parenting Coordination Procedures</u>

A. The PC's responsibility to the court

B. Knowledge of and adherence to jurisdiction-specific qualifications for a PC

C. Mentorship and certification requirements, if applicable

D. Provincial family law as it may pertain to the parenting coordination process
1 The statute and/or rule governing family parenting coordination
2 The difference between neutrality and impartiality as it applies to parenting coordination and the ability to demonstrate each appropriately
3 Legal concepts as they relate to the parenting coordination process including, but not limited to: geographic relocation, equitable distribution, child support, law of modification,

parenting time adjustment, law of relocation, law of due process law of ex parte communication and law of privilege
4 The statutory constraints of parenting coordination where domestic violence exists and/or protective orders are in place

E. How and when the PC should interface with the court system
1 The appointment and discharge processes of the PC
2 The importance of a court designation to the parenting coordination process
3 The ethical constraints on confidentiality and both in relation to the entire parenting coordination process and separate sessions within the process

F. Forms utilized in local courts pertaining to parenting coordination and local court procedures
G. How to work with legal, mental health and other professional disciplines, and promote cooperation among those dealing with the family

H. When and how to utilize a qualified expert and/or a team approach to best serve the parties in the parenting coordination process

I. The grievance procedure contained in the local/state rules for PCs, if any

J. Possible ethical dilemmas that may confront a PC and how to avoid them

Domestic Violence Training: The need for additional and/or separate training on domestic violence should be considered in setting up a PC training program.