

PARENTING COORDINATION INFORMATION FOR PARENTS AND LAWYERS

What is Parenting Coordination?

Parenting Coordination is a post-parenting plan alternative dispute resolution service for high conflict parenting. The Parenting Coordinator (PC) assists parents to implement their previously agreed to or court ordered parenting plan. The PC is usually a mental health professional, although lawyers and mediators sometimes perform this function. Regardless of discipline, the PC must have experience with and knowledge of separation/divorce, high conflict families, child development, parenting time schedules, family systems, family violence, conflict resolution, arbitration and relevant legislation and family law rules.

What do Parenting Coordinators do?

The Parenting Coordinator (PC) has two general functions. One is as a coach/educator/facilitator, who attempts to minimize parental conflict and enhance mutual respect, cooperation where possible and in most cases, disengagement of the parents (parallel parenting). This involves helping parents to develop more effective problem solving skills and strategies, to understand relevant child development principles and to communicate better, be it directly or in a more disengaged manner such as by email. Whenever possible, a major goal is to help parents develop better skills so they do not need a Parenting Coordinator.

The second function is to assist parents to implement, maintain and comply with their Parenting Plan. If there is a dispute and the parents cannot come to a mutual agreement, either on their own or with the assistance of the Parenting Coordinator, the PC makes final and binding decisions (arbitrates) in keeping with the children's best interests for matters that are not designated otherwise in the Parenting Plan. However, the PC does not make binding decisions regarding legal custody, relocation and/or parenting time schedules, other than those of a minor and temporary nature. The arbitration function of Parenting Coordination is governed by Arbitration Act, 1991 and the Family Statue Law Amendment Act, 2006 and related regulations. Any arbitration conducted by the PC is considered a "secondary arbitration" as per the Act and all awards are subject to the rights of appeal and judicial review.

What types of situations are best suited for Parenting Coordination?

Parents may want to consider hiring a Parenting Coordinator when other avenues of problem and conflict resolution have been unsuccessful and when disagreements persist. It may be helpful for families where parents remain very angry at each other, and/or where the parents have difficulty sharing child-related information in an effective and child-focused manner. Parenting Coordinators may be useful in families where parents have concerns about drugs, alcohol, child abuse, and/or the stability of the other parent. Parenting Coordination may be helpful in resolving interim arrangements and issues for

parents who are separated although living temporarily in the same home. Also, the PC may be useful to families with young children when the Parenting Plans include schedules that change incrementally over time. Here, the PC assists the parents to implement the evolving parenting time schedule, making minor adjustments in accordance with the children's best interests.

Many, although not all families, have already participated in a Parenting Plan Assessment (also referred to as custody and access assessments). All families will have a Parenting Plan and/or a final court order. Some of these plans, though, require more specification and clarification, which can be accomplished in Parenting Coordination. Typically, Parenting Coordinators can report to court if necessary.

What is involved in the referral and intake process?

The Parenting Coordinator accepts referrals after obtaining preliminary information from the parents and lawyers, if they are also involved. A review of the current Parenting Plan, Court Order and custody/access assessment report, if available, is required. If lawyers are involved, a brief conference call is advised to review the situation, mandate, and Agreement. The parents must review the Agreement with their lawyers and provide a certificate of independent legal advice (ILA) along with signing the Agreement. The parents attend either together or separately for an information meeting with the Parenting Coordinator during which the Parenting Coordination Retainer Agreement and process is reviewed and questions are answered. A retainer is accepted in advance for this preliminary work.

Parents must consent to participating in Parenting Coordination as well as to the specific Parenting Coordinator. This consent must then be formalized into a Court Order.

What happens during the Parenting Coordination process?

The PC will have full access to any reports and documentation that may be relevant, as well as to any other professionals, who have been and/or continue to be involved with the family. Meetings with the parents and sometimes the children in various combinations may be regular, or on an add-needed basis when a problem arises. When a dispute occurs that the parents are unable to resolve on their own, the Parenting Coordinator will attempt to assist them by providing support, education, and facilitation. If the parents cannot come to an agreement, the PC will make a binding decision, subject to the rights of appeal and judicial review, relying on information from the parents, and where necessary the children and other professionals (e.g., doctors, teachers, therapists, etc.).

Once the parents have agreed to a Parenting Coordinator, they may be "stuck" with that person for the term that is defined in the Agreement and/or Order. Terms typically range from 12 to 24 months. If both parents find that the Parenting Coordinator is unhelpful, they can agree to dismiss the PC. If the Parenting Coordinator comes to the conclusion that he/she cannot be helpful to the family, he/she can resign. However, if only one parent is unhappy with the Parenting Coordinator, that parent cannot dismiss the PC prior to the previously agreed to term. Fees are paid in accordance with the Agreement and a retainer is required to commence services.