

Parenting Coordination: Another ADR Process

Prepared For: Legal Education Society of Alberta

Family Law Beyond the Basics

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For Presentation In:

Edmonton – March 1, 2011

Calgary – March 16, 2011

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INTRODUCTION

Parenting Coordination is an emerging new alternative dispute resolution process that is becoming more popular in Alberta. It is a process that can effectively assist parents in high conflict parenting cases as an alternative to litigation. When utilized properly, it can be very effective in assisting chronically conflicted parents in resolving disputes about their parenting plan. This paper will set out what this process involves; how a parenting coordinator (PC) may be appointed; how it can benefit your clients and to which clients it is most beneficial; how to craft an appropriate Consent Order appointing a PC; and the steps involved in the parenting coordination process.

WHAT IS PARENTING COORDINATION?

Definition

Parenting coordination is a mediation/arbitration type process used to assist high conflict families in implementing their parenting plans in an expedient and cost-efficient manner.

As defined by the AFCC Guidelines for Parenting Coordination, 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.”¹

The distinguishing features of parenting coordination are that PCs become involved after a parenting plan is already in place; the PC deals with more minor issues as they relate to the parenting plan; and PCs have arbitration powers. There has been some difficulty among legal practitioners as well as mental health practitioners in fully understanding the concept or in semantically accepting the term “parenting coordination”, and hopefully this paper will assist in formulating a better understanding.

¹ The AFCC Task Force on Parenting Coordination. Guidelines for Parenting Coordination, 44 Family Court Review. No. 1, January 2006, 164-181, at 164.

The concept of parenting coordination has developed over time, and now is generally accepted as a process whereby the PC educates, mediates, and arbitrates. The PC is appointed with arbitration powers and uses those powers only as a last resort. If a PC is not appointed with arbitration powers, it is not a true parenting coordination process. In that case, the process would simply be mediation or counselling. It is the decision-making power that defines a true PC.

A PC becomes involved after the parties have already developed a parenting plan to assist the parties in implementing that plan. Common limitations on the authority of the PC are that the PC cannot make changes to custody, make awards regarding mobility, or substantially alter existing residential schedules. If the parents have not yet developed a parenting plan and wish to do so, they would enter into general mediation/arbitration (or simply mediation) not parenting coordination.

In an article by Elayne Greenberg about the branding of parenting coordination, she states:

“Shaped to meet the needs of high conflict families, parenting coordination is a hybrid dispute resolution process that offers parents education, coaching, case management, mediation and arbitration support. The goal is to assist parents to manage their parenting conflicts and making parenting decisions themselves. Therefore, the decision making role of the parenting coordinator is viewed as a last resort, if considered at all. In parenting coordination, presenting conflicts are neither pathologized as in therapy, nor criminalized as in court. In this distinctly different dispute resolution approach, parents’ conflicts are viewed as opportunities for parents themselves to learn how to address these conflicts and each other more effectively. And, the parenting coordinator is right there educating, coaching, and cheering the parents on, believing they can do it. All the while, the children are benefiting from the diminished level of familial conflict.”² (p. 206-207)

One ultimate goal of parenting coordination is to assist the parties in communicating more effectively so they can ultimately communicate with each other and make ongoing decisions together without the necessity of a PC or other third party.

As mentioned above, a PC will have decision-making powers over more minor issues (although these issues will not be viewed by the parents as minor). Areas of decision-making might include:

temporary and minor adjustments to the parenting schedule

- transportation and exchange of a child between parents
- extra-curricular activities and lessons
- management of clothing and belongings between the two homes
- vacation schedules
- travel arrangements and authorizations to travel
- telephone access

² Greenberg, E.E.. Fine Tuning the Branding of Parenting Coordination: “You May Get What you Need”, Family Court Review, Vol. 48 No. 1, January 2010, 206-211.