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DELIVERED AT 'CELEBRATING PROFESSOR NICK BALA'

Family Law Panel

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*What role do you see for Parenting Co-ordination in dealing with high conflict?*

1. Parenting Coordination, done by both MHPs and lawyers, is an emerging role that is gaining momentum quickly for high conflict families. The Guidelines developed by AFCC clarify that the intervention is designed to assist parents to implement their agreed-to or court ordered parenting plans, in a cost efficient and expeditious manner that brings finality to the dispute and thus protects children from parental conflict. The Guidelines also delineate the substantial training requirements for becoming a parenting coordinator, a role, not for the faint of heart.
2. PCs assume many functions within the larger role of parenting coordination: education, coaching, negotiating/mediating and arbitrating within a limited and clearly defined scope. PCs do not arbitrate legal custody, permanent parenting time schedules or mobility disputes. We arbitrate day-to-day issues relating to the implementation of the parenting plan. In the case of joint legal custody, PCs may arbitrate major decisions, like where the child attends school or whether or not the child receives therapy.
3. We are able to assist many high conflict families; some, by keeping them disengaged and parenting in a parallel fashion, and others, and in my view a minority, by teaching them to better communicate and to co-parent more effectively.
4. We have also learned that Parenting Coordination is NOT suitable for all high conflict families; in particular in cases where one or both parents refuse to comply with the court ordered parenting plan and PC Agreement, which is quite common in high conflict families. The PC is limited in the extent to which he or she can address noncompliance and breaches of the order; in these cases court may be the most appropriate route. Also, parenting Coordination may not be appropriate in cases involving substance abuse, severe mental illness, and coercive controlling violence.

5. It's possible that when noncompliance continues despite repeated efforts to rein these clients in, a model of arbitration-only in contrast to the mediation/arbitration PC model, may be more effective. This will avoid delays associated with interminably unsuccessful and emotionally and financially costly efforts during the coaching and mediation phase.
6. Many of us have come to the conclusion that having one parent pay for parenting coordination is an accident looking for a place to happen. Although costs can be awarded by the PC to the non-paying party, this leads to new problems. The non-paying party typically complains they were coerced into an agreement for fear of having costs awarded against them, thereby, proving, in the party's view, that the process itself is abusive. This opens the door for unnecessary appeals, which defeats one of the primary objectives of parenting coordination--a final resolution of the dispute. Therefore, I recommend that both party's be responsible for paying something, even if proportionate to their income.