



MEGAN HUNTER, BILL EDDY · HIGH CONFLICT, PARENTING COORDINATION

# Parenting Coordination and Skills for High-Conflict Families

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## Introduction

Parenting Coordination has been growing rapidly around the United States and other countries along with the increase in high-conflict families during and after a divorce. This article explains the background of parenting coordination; how the authority of the parenting coordinator originates; the role of the parenting coordinator after orders (both interim and final) have been made; its effectiveness; and some of the key issues to consider and why—in addition to helping families make decisions—it presents an opportunity for families to learn skills that will help them help themselves in the long run.

## Parenting Coordination Background

Debra Carter, PhD, defines parenting coordination in *Parenting Coordination: A Practical Guide for Family Law Professionals* (2011) as a child-centered intervention to help parents develop and implement a parenting plan for coparenting their children during and after a divorce or separation. The goal is to protect children who may be at risk for harm due to exposure to ongoing conflict. It is generally held among professionals involved in parenting coordination that the process is meant and designed to focus on the children's needs; not on the parents demands and stated needs.

The overall objective of parenting coordination is to assist high-conflict parents to:

- implement their parenting plan,
- to ensure parents are complying with the details of the plan,
- to help resolve conflicts over their children and the parenting plan in a timely manner, and

- to protect and sustain safe, healthy and meaningful parent-child relationships.

It generally involves a trained mental health or legal professional who assists parents in making decisions about their parenting schedule after the big parenting plan decisions (like custody) have been made in the separation or divorce either by agreement or by a judge. Limitations are clear on the services they can and cannot provide in their role as a parenting coordinator. For example, parenting coordinators do not provide custody evaluations, counseling diagnostic or assessments, or psychotherapy, according to Robin Deutsch in her presentation APA Pre-Convention Institute in Toronto, Ontario, Canada in 2009. As referenced by the AFCC Task Forces in *Guidelines for Parenting Coordination* (2005), the process is a combined alternative dispute resolution, mental and quasi-legal process that includes assessment, education, case management, conflict management and sometimes decision-making functions.

A good description of Parenting Coordination is available in a pamphlet from the Association of Family and Conciliation Court website at: [www.AFCCnet.org](http://www.AFCCnet.org), which includes the following explanation:

Parenting coordination is appropriate for high conflict cases dealing with child-related issues, such as when there is a high rate of litigation, especially concerning the implementation of a custody order or parenting plan; mediation has not been successful or has been deemed inappropriate; parents need assistance developing, modifying or implementing their parenting plan;...” (Fieldstone, et al, 2011).

### **The Origins of Parenting Coordination**

Parenting Coordination developed out of a need to address the problem of children’s exposure to harmful ongoing parental conflict in what is commonly termed a “high-conflict” case. In the early 1990’s, a group from Colorado studying interventions for high-conflict parents published a book entitled *Caught in the Middle: Protecting the Children of High-Conflict Divorce* (Carter, 2011). The result of this publication and the work surrounding it was the origination of the Parenting Coordination concept.

Jurisdictions who adopt the practice often adapt it to the unique statutes, local rules and procedures of their jurisdiction. Recognizing the value of the concept and the need to bring uniformity and guidance to it, a group of participants in an interdisciplinary international conference sponsored by the Family Law Section of the American Bar Association recommended that “professionals trained to manage chronic child-related disputes be provided as a service within the court system” (AFCC Task Force on Parenting Coordination, 2003).

A few years later, in May 2005, the Association of Family & Conciliation Courts (AFCC) assigned a task force with the charge of developing a standard of practice for parenting

coordination in the U.S. and Canada. Out of this task force the publication *Guidelines for Parenting Coordination* was developed and published.

Later, in May 2014, the American Psychological Association published *Parenting Coordination in Postseparation Disputes: A Comprehensive Guide for Practitioners*, designed to be a one-stop parenting coordination reference for both mental health and legal and mental health practitioners. It covered:

- basic skills necessary to be a parenting coordinator;
- requirements for running a practice;
- difficulties of working with high-conflict behaviors during parenting coordination sessions, and
- empirically validated strategies for even the most difficult high-conflict parents (Higuchi and Lally, 2014) .

Practice guidelines from the American Psychological Association and the Association of Family and Conciliation Courts were included.

### **Effectiveness of Parenting Coordination**

Now that we have a decade or more experience with parenting coordination, more and more research is being conducted on various aspects of the process. A July 2012 report, *Perspectives on Parenting Coordination: Views of Parenting Coordinators, Attorneys, and Judiciary Members*, took an in-depth look at parenting coordination from the legal environment perspective. The study looked at cases in the 4th largest jurisdiction in the United States, 11th Judicial Circuit in Florida with the goal of assessing expectations, perceptions and perceived efficacy of parenting coordination from the point of view of family law attorneys, judges and parenting coordinators. In a nutshell, the report found that the legal professionals who utilize it have an overwhelmingly positive view of its ability to reduce parental conflict, move cases more quickly through the court, help children, assist in the time-sharing process, improve joint decision-making, and increase parental communication.

While the report leaves no doubt that parenting coordination is beneficial for post-divorce/separation families, it also listed these implications from the data, including:

- a need for more education about parenting coordination
- the issue of parenting coordination fees needs more attention
- the role of a court program to enhance the legal environment for parenting coordination is worth consideration

- ethical concerns need to be addressed
- the role of court orders and legislation should be considered
- parenting coordination cases that include domestic violence should be treated with urgency
- improvements to the perceptions of parenting coordination should be pursued (Fieldstone, et al, 2012).

Another study explored the roles and goals of the parenting coordination program from the professionals' point of view comparing the parenting coordinator's views with the law defining their roles and the overall goals of the program. It found that differences in education and training of the parenting coordinator depended largely on their discipline, specifically whether they were lawyers, psychologists or social workers, for example.

The findings included the type of interventions used, how the parenting coordinator viewed his or her role in the case, and what the parenting coordinator viewed as the major goal of the program.

The study found that most parenting coordinators used these models of intervention:

- a mediation (73%)
- judicial (55%)
- counseling (27%)
- cognitive-behavioral (9%)
- or custody evaluation (9%) (Beck et al., 2008).

The majority of parenting coordinators viewed their role as:

- an authority figure (73%)
- a facilitator and educator (64%)
- or a gatekeeper to the courts (46%) (O'Hara Brewster, et al, 2011).

Understanding whether parenting coordination is seen as effective from the court and client perspective was the focus of another study. This study addressed the efficiency of a parenting coordination program from the clients' experience and the reduction in returns to court.

This study showed a 48.27% reduction in total motions filed. Drilling deeper, the results showed a specific reduction of 75% for child-related motions and 40% for all other types of motions. Although the study indicates that the number of motions filed decreases with the use of a parenting coordinator, it does not do so for all couples (O'Hara Brewster, et al, 2011).

A study from the University of Arizona investigated whether the parenting coordinator is potentially effective in easing the burden on the judges, court personnel, and outside agencies that become involved with families in these cases and to test whether the parenting coordinator is potentially effective in assisting high-conflict parents to reduce the number of motions and changes made in each case for a 2-year period. The reported findings included the following:

- Reduction on burden on court personal

56% reduction in number of court documents

- Judicial time

83% decrease in number of hearing after the parenting coordination assignment and 52.5% decrease in number of changes ordered

- Number of outside agencies involved in case

70% decrease in number of outside agencies involved

- Length of parenting coordinator retention

76.2% retained their parenting coordinator throughout the post parenting coordination assignment

- Number of motion per year related to finances

68.6% decrease in number of motions

45.2% decrease in number of changes related to finances

- Number of motions filed per year related to children

61.6% decrease in motions

39% decrease in number of changes related to children

- Safety issues (motions filed for orders of protection, child abuse or substance abuse allegations)

68.7% decrease in number of motions

78.3% decrease in number of changes related to violence per year

- Administrative issues

61.4% decrease in the number of motions and a 60.9% decrease in the number of changes related to administrative issues per year (O'Hara Brewster, et al, 2011).

### **The Origination of Parenting Coordination**

Cases typically find their way into parenting coordination because they are protracted in litigation, difficult for the courts and other professionals to manage and they've usually had many attorneys, evaluators, mediators, a variety of mental health professionals. They tend to hop from one professional to the next—hiring and firing frequently. Complaints against professional licenses and thick court files are typical in this population (Coates, The AFCC Task Force, 2005).

Appointment and authority of the parenting coordinator varies by jurisdiction, including:

- State legislature passes law authorizing appointment
- Order of the state Supreme Court Chief Justice applied to entire state court circuits or counties
- Order of the court which has jurisdiction over the case
- Local rule
- Private consent agreements.

In some cases, the parenting coordinator may be stipulated to by the parents and then ordered by the judge although some states allow the judge to order a parenting coordinator even if one or both parents do not agree. In other jurisdictions, consent of the parties is required. Parenting coordination can be ordered at any point of a civil action involving custody of parenting, and parents may also request and agree to use a parenting coordinator when they are unable to resolve disputes without help (Carter, 2011).

### **Role of the Parenting Coordinator After Orders are Entered**

Generally, parenting coordinators may not make major changes to the parenting plan; however, they are allowed some leeway to make minor changes utilizing judicial time. The parenting coordination process enables parenting coordinators to perform a quasi-judicial role in an attempt to quickly resolve conflicts without judicial involvement and court hearings (O'Hara, et al, 2012).

The AFCC Model Parenting Coordination Guideline VI lists the roles and functions of a PC as:

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, domestic violence protection orders, 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 court order, or to make reports or recommendations to the court for further consideration. 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 (Coates, The AFCC Task Force, 2005).

## **Key Issues to Consider**

### **Lack of Self-Management Skills – Experience of High Conflict Institute**

A variety of programs and tools, including online communication and education programs, are increasingly being introduced to divorcing and separating parents. Many are helpful in the goal of reducing parental conflict and enhancing communication; however, one realization is that family law professionals are working too hard at making decisions for high-conflict families, while parents are given too little of a decision-making role. This approach generally does not work, unless families are fully engaged in learning and applying skills themselves to calm their own conflicts and solve their own problems.

High-conflict families tend to have one or more parents with a high-conflict personality, which means that they are stuck in a lot of:

- All-or-nothing thinking
- Unmanaged emotions
- Extreme behaviors
- Blaming others

These characteristics may be biologically based, or learned from an abusive childhood, or from growing up with a sense of entitlement, or simply never being trained in reasonable behavior. Overall, this means that they lack skills of self-management and that they don't accept the decisions made for them by others.

Unfortunately, the legal court process tends to emphasize their weaknesses and their worst past behavior, with legal professionals expressing their anger and frustration at them. Then, decisions are made for them, often with motivational lectures, which they resent and which make them defensive and resistant to following those decisions. Unfortunately, the legal process of litigation assumes that people have skills of self-management and simply fail to use them or simply made a mistake. Thus, high-conflict people are often simply told to “behave better next time” and to “get over it!”

But they lack the self-management skills to do these obvious behaviors. They don't just need decisions – they need skills to make and follow decisions. This is where Parenting Coordinators have an opportunity to go beyond just recommending or making decisions.



## Recommending and Reinforcing Skills

Ideally, Parenting Coordinators would recommend or require parents at the start of their new cases to go through skills training. While skills training is offered by a few organizations, we will focus on a method, *New Ways for Families*, that we developed at High Conflict Institute. We focus on it because it is grounded in skills-based methodologies that have empirical evidence showing the ability to help people in high-conflict cases modify their behavior. The skills include:

- **Managed emotions** (such as giving themselves encouraging statements at difficult times)
- **Moderate behaviors** (such as sending BIFF Response emails in reply to hostile emails)
- **Flexible thinking** (such as making 2 proposals for any problem they raise)
- **Checking yourself** (ask yourself if you're using these skills, not focusing on others)

Then, when conflicts arise over the parenting schedule and one parent sends a nasty email to the PC about the other parent, the PC can say "Please re-write that as a BIFF Response, then I will read it and we can discuss it." Then, when a parent raises a new problem, the PC can say "I'd like you to also give me two proposals for how this problem could be solved."

Both of these types of responses keep the responsibility to learn and use – and keep using – skills on the shoulders of the parents. This approach gets them to participate more fully in the decision-making process, rather than just blaming the other and complaining to the Parenting Coordinator. Of course, this takes patience on the part of the PC, but actually makes the PC's job easier and easier, as the parents feel responsible to keep using these skills – even when they are angry about it. They can learn and we have seen many parents succeed at making more decisions and abiding by them, by using these small skills with lots of positive encouragement and reminders.

The first results, released in 2013, of a 3-year pilot project that is studying *New Ways for Families* in Alberta, Canada, found that:

- 42% of parents improved parenting cooperation in areas such as willingness to accommodate changes in visiting arrangements, to act as a resource to the former spouse in raising the children, and improved day to day decision making about the children;
- 52% of parents noted improved cooperation on major decisions about the children;
- in 22% of cases, parents increased their involvement with the children;

- less acting out behaviors in 57% of the children;
- less symptoms of stress such as headaches, stomachaches; difficulty sleeping in 54% of the children;
- improved school performance in 45% of the children; and
- more interest in seeing the non-custodial parent in 33% of the children (Social Return on Investment (SROI) Case Study: Medicine Hat Family Services, New Ways for Families (NWFF) (2013).

### **Importance of “Compassionate Coaching” of Parents**

Recent research on coaching styles and brain responses for normal people gives us some additional awareness. Two researchers at Case Western Reserve University in Cleveland, Ohio compared “coaching for *compliance*” (such as: “How are you doing with your courses? Are you doing all of your homework and readings?) with “*compassionate coaching*” (“If everything worked out ideally in your life, what would you be doing in 10 years?”). They found that less stress, more creativity and behavior change were triggered in the brain with the compassionate approach. The compliance approach triggered more fight-or-flight responses, increased heart rate and pulled blood away from the brain. Repeated compassionate conversations led to more positive brain responses, which would suggest that repeated compliance conversations would lead to more negative brain responses.

This may explain what happens with clients who are involved in repeated separation and divorce conflict involving family law professionals – their overall stress level tends to increase and their behavior tends to deteriorate. Not surprisingly, their children’s stress levels also appear to increase and their behavior problems tend to worsen. This may help explain why many clients coming out of a court hearing ask “What happened in there?” of their attorneys, if they have one. This may also help explain why “alienation” (resistance to spending time with a parent for no reason) increases for many children *during* the court case.

This coaching research indicates that the ability to engage in creative problem solving is enhanced by *compassionate* conversations, rather than by *compliance* conversations – a hallmark of attorney arguments, Family Court orders and judge lectures. “Constructive criticism is still criticism in my theory,” says Richard Boyatzis, one of these brain researchers. (Cultivating Creativity: Brain Scans show the power of compassionate coaching. *Think: The Magazine of Case Western Reserve University*. Spring/Summer 2014.)

These methods emphasize *Empathy, Attention and Respect*. This approach suggests asking clients what they hope to accomplish and discussing how we as professionals might assist them in doing that, rather than criticizing them or tracking their compliance in hopes of engaging them in behavior change. Ironically, tracking

compliance may actually decrease their brains' ability to change behavior rather than increasing it. Instead, it may help to ask "How's it going? What would you like to accomplish this week? I've got some suggestions that might help – do you want to hear them? It's up to you."

Using this approach with angry clients, without getting angry back, can be very effective. But it can also be very hard to do. We have learned that this all takes a lot of practice and we all make mistakes. But when we can effectively teach simple skills in small steps while staying positive and encouraging, we have seen success and hope for many high-conflict families.

## Conclusion

Parenting coordination has proven to be a valuable process for families who have difficulties resolving disputes on their own; to meet the goal of reducing the harmful effects of parental conflict on children; and for reducing the strain on the legal system.

While studies indicate benefits of utilizing the parenting coordination process, they also indicate room for improvement. In particular, more training for the professionals involved is needed; ethical considerations need further evaluation; uniformity in the urgency of cases with the presence of domestic violence; and how to handle fees for parents who cannot afford them.

Parenting coordinators may improve outcomes by teaching parents the skills for problem-solving so they may learn to resolve disputes on their own instead of relying on professionals. The more skilled the parenting coordinator becomes at motivating and teaching parents to use these skills, the less stress and burden the parenting coordinator will experience, and a corresponding decrease in returns for more parenting coordination sessions should be realized as the parents begin resolving disputes on their own.

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Mediator of the National Conflict Resolution Center based in San Diego, CA. He is the author of several books, including: [The Future of Family Court: Structure, Skills and Less Stress](#) and [Managing High Conflict People series](#). He is also the developer of the [New Ways for Families](#) program, which is being operated in four Family Court systems in the United States and Canada; the developer of the [New Ways for Mediation](#) method of structuring and engaging high-conflict clients in using simple skills during the mediation to make their own decisions out of court; and the co-developer of the [PatternViewer method](#) of organizing and presenting patterns of high-conflict behavior.

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