



**The Third Annual
Protecting Children Through Education Seminar**

**PARENTING COORDINATION:
WHAT IS IT, WHO NEEDS IT
AND HOW DOES IT WORK?**

Featuring Joan B. Kelly, PhD

December 12, 2008
World Trade Center
Portland, Oregon

6.5 CLE Credits
6.25 CE Credits

This event is made possible through a grant from the
Henry L. Hillman, Jr. Foundation

NOTES

**PARENTING COORDINATION:
What is it, Who needs it,
and How does it Work?**

Joan B. Kelly, Ph.D.
Child Centered Solutions
December 12, 2008

1

Focus Of Presentation:

- What is a Parenting Coordinator (PC)?
- Who is a PC and what are qualifications?
- Objectives of Parenting Coordination
- Who is it designed and appropriate for?
- Type of disputes typically settled
- How PC work differs from other mental health and legal work

2

Focus Of Presentation (cont):

- Authority of PC and scope of power
- Where does PC work optimally fit in legal dispute framework?
- How the process works
 - Models for working with parents
 - Use of education, mediation/negotiation, arbitration
- Including children in the PC process
- Ethical issues

3

What Is Parenting Coordination?

- A **child-focused** alternative dispute resolution process intended for high conflict parents with a history of entrenched child disputes
- A process that combines dispute assessment, education, mediation, case management, conflict management/reduction and (often) arbitration
- A non-confidential process that deals with child-related disputes as they arise and gives PC authority to make decisions as necessary

4

Objectives Of Parenting Coordinator

- Implementation of parenting plan, including monitoring compliance with plan
- Quick assessment & resolution of co-parental disputes
- Reduce conflict between parents
- Re-focus parents on children's needs
- Improve communication and problem-solving skills of parents

10

Objectives Of Parenting Coordinator (2)

- Provide education to parents about developmental and psychological needs of child
- Provide stabilizing presence for families and children
- Provide a channel of communication for children
- Provide buffer for child's therapy
- Reduce reliance upon litigation and courts---interrupt conflict spiral

11

Parental Disputes Often Settled by Parenting Coordinator

- Parenting time schedules/access, holidays & vacations, temporary variations, transitions, travel and passport arrangements
- Child's recreational and enrichment activities
- Education or daycare (tutoring, summer school, school choice, placement)
- Health care management (medical, dental, psychotherapy, vision)
- Religious observances and education

12

Parental Disputes Settled by Parenting Coordinator (2)

- Child rearing issues, including alteration of children's appearance (haircuts, piercing)
- Forms of communication between parents
- Parent behaviors and parenting issues
- Substance abuse testing, counseling
- Changes in parenting plan consistent with child's developmental changes
- Role of significant others, extended family

13

Adversarial Divorce Process is a High Conflict Parent's Dream

- Competing parental entitlements reinforce angry agendas and grievances
- Parent conflict escalates and consolidates
- Positional and black/white thinking encouraged
- Emphasis on parental inadequacies to exclusion of adequacies and strengths
- Poor reality testing and thinking sustained
- Civility and communication between parents often permanently destroyed

21

Co-parental Relationships After Separation and Divorce

- Cooperative Parenting - 25-30%
 - Joint planning, flexibility
 - Provide support as needed
- Parallel Parenting - >50%
 - Low communication, low conflict
 - Disengaged
- Conflicted Relationship - <25%
 - Frequent but poor communication, high conflict
 - One or both parents may be still enmeshed

Hetherington & Kelly, 2002; Maccoby and Mnookin, 1992.

22

Bilateral or Unilateral Conflict? A Caution

- The label "High Conflict Couple" is common
- **Who** and **what** is driving the conflict?
- What are each parent's **separate** contributions to continuing hostility, disputes, and relitigation?
- Has either parent disengaged with the other?
- Is either parent receptive to changing the couple dynamics and their behavior?

Friedman, 2004; Kelly, 2003

23

What are Larger Goals for Parenting Coordination?

- Reduce known **risk** factors that are associated with poor outcomes in children following separation and divorce
- Promote known **protective** factors linked to more positive outcomes in children in working with parents
- Stem the drain on family resources (financial, psychological, parental, moral)

24

Dysfunctional Relationships

- Refusal to consider and acquiesce to other's ideas, reasonable requests, rules, demands
- Committed to their own versions of "truth"
- One-upmanship and victories savored
- Emotional disengagement not occurred in one or both parents – frozen in time
- Intense arguments may result in violence
- Repeated allegations of substance abuse, child and sexual abuse, neglect

29

Expression of Conflict with High Conflict Parents

- Anger & bitterness very intense/deeply rooted
- Continuous, entrenched conflict mode
- Distrust & suspiciousness motivates response
- Contempt for other parent very evident
- Polarized views on child issues and situations
- Loss of child focus
- Use of child to express anger

Johnston, 1994; Johnston & Roseby, 1997; Kelly, 2003; Kelly & Emery, 2003.

31

Differentiating Dimensions of Parental Conflict

- Intensity of Conflict
 - Focus of Conflict
 - Conflict Expressed through Child
 - Protective Buffers for Children
 - Interpersonal *vs.* Legal Conflict
- See Grych, 2005; Kelly, 2000, for reviews

32

Parent Behaviors that Put Children in the Middle of Conflict

- Asking Child to Carry Hostile Messages
 - Asking Intrusive Questions about Other Parent
 - Creating a Need for Child to Hide Information
 - Creating a Need to Conceal Feelings about Other Parent
 - Demeaning other parent, contemptuous behavior
- Buchanan, et al, 1991; Hetherington & Kelly, 2002

33

High Conflict Clients use Emotional Facts

- Emotionally generated false information, accepted as true, and requiring emergency action
 - Exaggeration of real facts
 - Out of context real facts
 - Non-existent facts
 - Utilization of stereotypic induction (of target)
 - Minimize the positive, maximize the negative

40

High Conflict Clients as Passionate Persuaders

- Perfect fit for the court system
- More energy and aggression – drama and dominance prevails, lots of information, even if false
- Persuasion without facts
 - Simple right-wrong stories are obvious and facts not needed
 - Crisis mode denies decision-maker time to process

41

How this Works in the Gray Family

- At first separate session with father, Mr. G. informs the PC that one of her first tasks must be to change the location of the transition (currently at an upscale shopping center)
- “Every good psychologist knows that making a transition at a mall is detrimental to children.”
- Mother strongly protests in her session, says home transition is a non-starter, that she’s afraid of the father.
- A passionate persuader with emotional facts using a new advocate who will of course meet his demand

42

Four Common Problems of Angry and Difficult Clients

- Bonding – life long relationship problems means life long bonding problems
- Structure – focused on their needs, lack insight, need someone to provide structure
- Reality Testing – rigidity in perspectives and many types of distortions due to faulty thoughts
- Accepting Consequences – it is always someone else’s problem, behavior, thinking
Scheinbold, 2008

43

Travel Clause: Identify and Correct the Problems

- Both parents are to provide necessary authorizations to allow travel outside the country with the children, providing the travel is reasonable for the children and not to any destination that may not be safe for them. Both parents are to cooperate with respect to US passport renewals.

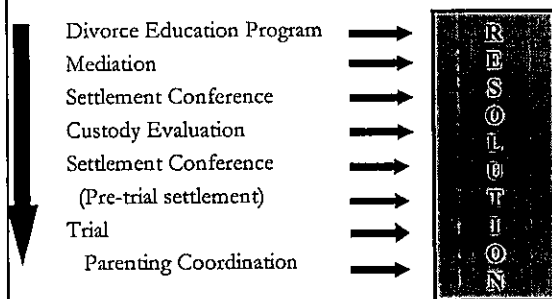
48

Where in Legal System does the Parenting Coordinator Best Fit?

- Most often post-decree
- After detailed parenting plan has been developed or ordered and incorporated into stipulation/court order
- On interim basis to implement temporary plan or during custody evaluation in high conflict cases
- Parents have demonstrated chronic inability to resolve child conflicts and use litigation frequently

49

CUSTODY AND ACCESS DISPUTES



50

Parenting Coordination and Domestic Violence

- PC appointment may be inappropriate if DV involves coercive control, intimidation, threat
- If PC appointed, focus will be on enforcement of detailed parenting plan, ensuring compliance
- Mediation and joint meetings may increase risk of victim and maintain imbalance of power
- Need screening for types of DV and protocols for screening for PC appointment

Kelly & Johnson, 2008.

51

Ensuring Informed Consent

- Do parents understand fully the power and parental rights they are transferring to PC?
- Do parents understand the non-confidential nature of the PC model?
- Do parents understand the duty of the PC to report child abuse?
- Do parents understand how your process will work?

AFCC Guidelines for PC, Guideline VIII

56

Limitations on Confidentiality

- Parenting coordination is non-confidential model (except outside of scope of PC work)
- This empowers the PC to be effective
- Parents waive privileges and rules of evidence and normal professional conduct
- Be aware of special rules in jurisdictions re: therapists and MD's
- Get HIPAA compliant authorizations

57

Ex Parte Communications

- Communications with parents, children, attorneys, other relevant parties without notice
- PC can initiate or receive oral or written communications from relevant parties
- Decisions, agreements, recommendations must be communicated to both parents at same time
- Reports to the court according to court rules
- No ex parte communication with the judge

AFCC Guidelines for PC, Guideline X

58

Variations in PC Models and Practice

- Manner and authority for appointment
- Authority and scope of decision-making
- When in legal process PC is appointed
- Variations in practice and emphasis of PC
- Qualifications and expertise of the PC
- Whether children are included
- Interdisciplinary model ("referral model")

Fidler & Epstein, 2008; Kelly, 2008.

59

ATTENDANCE AT SCHOOL FUNCTIONS DEFINING PARENTING TIME

The Mother and the Father and their new partners/spouses may attend school functions regardless of the residential schedule. If they choose to attend, they shall remain cordial during these occasions and not discuss child-related arrangements and issues. If the non-resident parent will be attending the event, s/he will inform the resident parent. (The resident parent is defined as the parent the child resides with during the agreed-to usual and holiday schedules (see calendar). For example, if the event occurs after 3:30 p.m. on a day the child will be with Father from after school and overnight, he is the resident parent. Similarly, if the event occurs after 9 a.m. on a day that the child will be with Mother from after school, Mother is the resident parent.)

66

Typologies of PC Cases

- Two adequate parents who can't agree on anything about their children
- One parent has significant pathology or severe personality disorder
- Both parents have significant pathology or severe personality disorders
- Parents with infants or children with special development, medical, or educational needs

67

Inappropriate Cases

- Pronounced paranoid features
- Severe mental illness
- Prior complaints to licensing boards
- Parenting coordinators have been fired more than once
- History of battering or ongoing situational violence despite restraining orders

68

Ethical Standards for PC (1)

- Impartiality (Guideline II)
- Conflict of interest (III)
- Multiple roles (dual sequential) (IV)
- Limitations on Confidentiality (V)

AFCC Guidelines for PC, 2005

69

Interventions re: Co-Parental Conflict

- Review parents' conflict history to present
- Distinguish marital conflict from separation-engendered and adversarial-driven conflict
- Explore motivation to diminish conflict and anger and to disengage from other parent
- Provide examples of how children are used and caught in the middle
- What do their children say and observe
- Try to increase empathy for child's experience

74

Co-Parental Communication Structures and Rules

- Observations of effective vs. unproductive communications
- Safe modes for each parent
- Extent parent desires better communication
- Barriers to effective co-parental communication
- Try out and evaluate different communication models and styles
- Write communication protocols

77

Focus on Effective Post-Divorce Parenting

- Concept of diminished parenting
- Exploring discipline styles
- Assessing availability and monitoring
- Having appropriate expectations
- Focusing on both parents' involvement in school, projects, athletics, events
- Principles of parental dating, re-partnering re children

75

Using Empirical Research: Effective Parenting of Mothers

- Warmth
 - Authoritative discipline
 - Hold appropriate expectations for children
 - Academic skill encouragement
 - Monitoring of activities
- Amato, 2000; Amato & Fowler, 2002; Buchanan, 96; Hetherington & Kelly, 2002; Martinez & Forgatch, 2002; Simons et al, 1999

79

The Blue Family Vignette

Parenting Coordination Case

Joan B. Kelly, Ph.D.

The situation:

Mr. and Mrs. Blue separated 3 years earlier and considerable protracted litigation followed. During this time, Bill lived in the custody of his mother about 75% of the time along with his younger brother and sister. Bill, age 12, reported to school authorities that his mother had intentionally hit him on the head with a hard object that morning, causing a bruise. Child Protection Services was called. After an investigation, custody of Bill was transferred to father on a permanent basis with supervised visits ordered with mother. Bill was very upset about these visits as she “grilled” him and argued that she had never hit him. On the basis of his therapist’s recommendation, visits (unsupervised) then were ordered to occur only if Bill wanted to see her.

The Parenting Coordinator was appointed (stipulation and court order) 4 months after the child abuse action, shortly after final divorce.

Summary of Father’s Issues:

Bill told his father he would like a number of his things from mother’s home but was anxious about asking his mother for what he wanted. At his dad’s suggestion, Bill made a list and sent her a note with the list. She called and told him that he could not have his possessions unless he came over to her house to talk with her about these things and about their relationship. She told him (according to father) that she loved him so much and wanted them to work on their relationship. Bill was very upset about her withholding his “stuff”, telling his therapist that he wanted to avoid interacting with his mother and didn’t want any confrontation. Father was furious that she wouldn’t just let him have his possessions, insisting instead that Bill had to “negotiate” to get them, particularly because he was asking for so little. He added that he had and was paying large amounts of both spousal and child support and that Bill should have all his possessions including his clothing, but he would be content if Bill got the things that were important to him.

Father gave me a copy of the note and list Bill sent to mother. Bill asked for his baseball cards, punching bag, skate ramp (which he had built himself), clothes, his various athletic trophies from baseball and soccer, and his bike helmet. He said there were probably things he can’t remember because he hasn’t been in his mother’s home for awhile.

Father also said that Bill wrote a second letter to his mother telling her not to hang around his school in order to see him. He says it’s creepy and upsetting. He wants a safe place at school. Bill says (dad’s report) that she waits until he comes out, immediately confronts him, and tries to hold lengthy conversations. She then gets angry if he doesn’t want to talk, and accuses him of lying about the abuse allegation and his dad of turning him against her. Bill has bad memories of her behavior with him. She has also called the mother of one of Bill’s friends when he was playing there, asking to talk to Bill.

Preparing for the Parenting Coordination Role: Training Needs for Mental Health and Legal Professionals

Joan B. Kelly

ABSTRACT. Specialized training for mental health and legal professionals who undertake the role of the Parenting Coordinator is necessary for working effectively with parents with continuing high conflict. Components of a comprehensive Parenting Coordination training are described including variations in practice models, role distinctions, critical elements of Parenting Coordination Courts Orders or Consent Agreements, Parenting Coordination techniques, case management, clinical and ethical issues, whether to include children in the process, and continuing education needs.

KEYWORDS. Custody and access disputes, divorce, high conflict parents, parenting coordination, training

When legal and mental health professionals decide to undertake the role of the Parenting Coordinator (PC), specialized training is appropriate to understand the unique aspects of the PC role and to function competently and ethically. Although there is growing consensus about the definition and function of the PC role in the United States, some jurisdictions have statutes or local rules which vary from the

Joan B. Kelly is a psychologist who founded and was Director of the Northern California Mediation Center for 20 years.
Address correspondence to Joan B. Kelly, PhD, P.O. Box 7063, Corte Madera, CA 94976-7063. E-mail: jbkellyphd@mindspring.com.

Journal of Child Custody, Vol. 5(1/2) 2008
Available online at <http://jcc.haworthpress.com>
© 2008 by The Haworth Press. All rights reserved.
doi: 10.1080/15379410802070476

parents. The cognitive and emotional shifts required to integrate new or different functions and discuss appropriate practice boundaries in this relatively new role are key aspects of a PC's training, as is the unwavering focus on the children's developmental and psychological needs in the settlement of heated parental disputes. The AFCC Task Force on Parenting Coordination underscored the importance of training in Guideline I of the Guidelines for Parenting Coordination (2006), stating that "a PC shall be qualified by education and training to undertake parenting coordination and shall continue to develop professionally in the role" and "shall acquire and maintain professional competence in the parenting coordination process" (Guideline I).

Members of the legal and mental health professions each bring unique knowledge, skills, and experience to the PC role and process but often need additional specialized knowledge which is not characteristic of their traditional training and experience. Many mental health professionals, for example, freely give advice on custody or parenting matters, but are not accustomed to being an arbitrator. They lack experience in drafting clear and precisely written decisions which also anticipate and address the ambiguous "grey areas" which high conflict parents often exploit. Many deal with conflict in marital therapy but may lack the necessary mediation skills to efficiently sort out and settle highly contentious child-related disputes in a timely manner.

Family lawyers are skilled at representing high conflict parents in adversarial proceedings but many have not worked simultaneously with both parents and struggle in the PC role to maintain objectivity and balance with each parent. They sometimes fear that parental conflict will spiral out of control and reject the idea of joint meetings with parents. Most experienced PCs find the combination of joint and separate meetings to be valuable and may serve to enhance the parents' ability to work together (assuming such joint meetings are safe for all participants).

Beyond professional experience, the unique aspects and challenges of this fairly new intervention provide the rationale for specialized training. For example, why do PCs need court orders or consent agreements to be effective, rather than accepting cases without them, and how should PCs set up and begin these difficult cases? Why is it important to define a term of service, and what grievance procedures are critical for parents? What is the value of a non-confidential PC

the Parenting Coordination role in Guideline I of the AFCC Practice Guidelines (2006).

The Parenting Coordination Model, Role, and Process

Training should begin with definitions and objectives of the Parenting Coordination model, for whom the intervention is intended and why, and a thorough discussion of how PC models vary in appointment, the PC's authority, type of disputes addressed, and relationship to the court. Given the primary objectives of the Parenting Coordination process to resolve the continuing stream of co-parental disputes in an efficient, timely, and nonadversarial manner, and to assist parents in implementation and monitoring of the parenting plan and related court orders, training should demonstrate throughout how the PC model is uniquely structured to achieve these objectives. The larger goal is that parental conflict will be diminished over time and parents' reliance on litigation and the courts will be reduced.¹

To communicate the complexities of the Parenting Coordination role, didactic and descriptive materials, anecdotes, case material from parent interviews and phone contacts, discussion of specific disputes and the resulting written decisions, and research relevant to high conflict parents and child outcomes are necessary. Such materials demonstrate the multiple opportunities over the course of a case for PCs to refocus parents on their children's psychological and developmental needs, including learning to leave their children out of their conflict. The unwavering focus on the child in considering, managing, and deciding parental disputes within each family is a central training theme.

Role Distinctions

The critical differences between the PC role and other professional services participants routinely provide must be emphasized throughout. Mental health practitioners sometimes have difficulty with the fact that the PC process is *not* psychotherapy, counseling, or formal psychological assessment for any member of the family, and the agreement or court order signed by parents does not include such clinical services. A case example of a parent or child experiencing serious psychological distress demonstrating an empathic PC suggesting individual psychotherapy if appropriate is useful. Particularly

Variations in Models

Variations in PC models training should be addressed in some detail, particularly in jurisdictions where programs are not developed or legislation is being considered. While no "one" PC model has been universally adopted there is considerable agreement about a number of significant issues and practices, as indicated in the Best Practices arrived at by consensus of the Task Force responsible for developing the AFCC Guidelines (2006).

Appointment

A first major variation is how the PC is appointed. Most often the PC serves upon stipulation of the parents and/or formal order of the court and this is what provides the authority to the PC for the work to be done. This manner of appointment is viewed as a Best Practice (see Guideline VII, 2006). In some jurisdictions, judicial authority cannot be delegated in custody and access decisions, and PCs receive their authority through private consent agreements between the parents (see Fidler, this issue, for discussion of Ontario, Canada authority and practices). While in some jurisdictions judges can order a PC over the objection of a party, this practice is increasingly seen as inappropriate or unconstitutional and many experienced PCs believe this not only results in higher parental resistance to the PC process but also increases the likelihood of licensing board complaints.

Decision-making Authority

A second major variation is whether the PC has been given the authority to make decisions about parental disputes that have the force of a court order (or are binding) when the parents cannot agree. Most PC models include decision-making or arbitration authority on specified categories of child-related decisions. Without any authority designated to make decisions, the PC is limited to a mediator/educator/co-parent counselor role which is a significantly different model of service. It is also one that is more likely to keep the parents returning to the adversarial system when they cannot agree. Training should provide understanding of the statutory issues involved in a court delegating its exclusive authority to decide matters of custody and access, as well as mediation and arbitration statutes

(diet, discipline, homework, bedtimes, curfews), parental attendance at school, athletic and enhancement activities, and much more.

Relationship of the Parenting Coordinator to Court

A central issue for the PC's functioning is how the Parenting Coordination model fits within the legal framework of the jurisdiction, if at all, and the relationship to and responsibilities of the PC to the court.² In many US jurisdictions, the PC has a formal responsibility to the court, yet functions outside of the court. Some court orders provide the PC with quasi-judicial immunity, and the statutory authority for the PC role is spelled out. In some but not all jurisdictions, the court order specifies that all decisions made by the PC be forwarded to the court as well as to the parties (and any lawyers of record). When the PC has a continuing legal relationship to the court, the court generally assumes responsibility for dealing with noncompliance upon notice of the PC to the parties and the court. In some jurisdictions there is no statutory option for divorce cases to remain open following the final decree, and thus no ongoing relationship between the PC and the court is possible. In these situations, no mechanisms exist for court backup for the Parenting Coordinator's decisions, or for consideration of parents' grievances against the PC, both serious limitations with consequences for effective and ethical functioning. The advantages and disadvantages of these various structural approaches are useful to discuss in training.

Elements in the PC Court Order

Parenting Coordination court orders (or private consent agreements) include common elements that structure and provide guidance for the PC process, the PC, the parents and their lawyers. These are the core of the PC process and examples of court orders and consent agreements should be provided to participants, with discussion of the importance of each element and the impact of variations among models on PC practice. The most universal elements include: statement of appointment, term of service, legal authority and scope of power, quasi-judicial immunity (if available), absence of confidentiality, procedures, specific decision-making areas, communication with parents, children, and other relevant parties, fees and fee allocations, grievance process, resignation of the PC, and expectations regarding reports to court of decisions.

functioning and punish the other parent, and how personality disorders are exacerbated by stress, conflict and the adversarial system will facilitate more effective work with these difficult clients.

Parental conflict is understood by all professionals dealing with divorcing families to be a major predictor of poor adjustment in children, in particular attacking, sustained conflict. Many professionals are not aware that some aspects of conflict are more damaging for children than others (e.g., intensity of conflict is a better predictor of poor outcomes than frequency), that quality of parenting is negatively affected by high conflict, and that buffers have been identified that protect children from the destructive impacts of high conflict. Familiarity with this literature enables PCs to educate parents about the impact of their behaviors and motivate behavioral and attitudinal change. For example, the most destructive type of parental conflict is when one or both parents use their child to express parental anger and rage; this is significantly associated with poorer adjustment when compared to children whose high conflict parents who do not put their children in the middle of their disputes. How the discord is expressed and managed by parents post-divorce is more important than the existence of conflict (Grych, 2005). When high conflict parents encapsulate their conflict, i.e. do not express their conflicts in front of or through their children, their children do not differ in adjustment from children of low conflict parents (Buchanan, Maccoby, & Dornbusch, 1991; Hetherington & Kelly, 2002). These important findings should be shared with high conflict parents and also strongly support the routine use of neutral transitions or exchanges at school and day care rather than at parents' homes to eliminate the possibility of children witnessing face-to-face parental conflict (Kelly, 2005, 2007). Newer research on adolescent and young adult views of their parents' divorces, and in particular their parents' conflict and demeaning comments about the other parent, can be used to mobilize greater understanding and empathy for the emotional stress of their children's predicament (Fabricius & Hall, 2000; Kelly, 2005; Smart, 2002; Smith & Gollop, 2001).

Parenting After Separation and Divorce

Quality of maternal parenting is an equally strong predictor of children's well-being post-separation/divorce as well as the quality and type of paternal involvement. Specific components of mothers'

or following PC efforts to mediate. Examples of PC Parent Information Pamphlets can be provided as potential templates for PCs to distribute to parents, lawyers and the bench prior to accepting the case. PCs would be advised to begin the first (joint or separate) session with a discussion of the features of the PC model once again, to ensure parental acceptance and clarify misunderstandings.

Starting the Case

PCs have different criteria and processes for accepting, setting up, and beginning cases, which can be described in training to help participants develop their own process (e.g., what information is requested before deciding whether to accept a case, and again before scheduling the first session). What cases are inappropriate for a PC intervention (e.g., severe mental illness, prior complaints about other PCs to licensing boards, violation of protection orders)? Once the PC receives the signed court order (or consent agreement), what rationale will guide the initial format (a first joint session, followed by separate meetings, or some other safe arrangement dictated by a history of domestic violence and protection orders), and what questions are productive in first sessions? Training participants have many questions about joint vs. separate sessions, how often cases are seen, telephone and email contacts. Many PCs schedule several separate sessions with parents after an initial joint session to understand each parent's concerns and perspectives, and then set up a separate interview with each of the children. Issues and disputes that urgently need attention are dealt with in the first parent sessions if possible. In many cases, subsequent in-person or phone sessions are scheduled only as necessary when disputes arise, or when the PC must organize summer or holiday scheduling disputes that the parents have not resolved on their own. Many cases begin with a backlog of unresolved and heated issues, and thus there may be considerable initial work before the case settles down.

Interviewing Children as Part of the PC Process

There is not consensus among PCs as to whether children should be included in the Parenting Coordination process. This author believes that children should be interviewed or consulted to obtain their views on particular disputes that directly affect their lives and well-being, with exceptions noted below. Children are major social

although the PC may gather information from a child's teacher or physician prior to making decisions.

Clinical Issues for the Parenting Coordinator

Functioning as a PC creates a number of clinical and personal issues that sometimes cause difficulties in judgment and professional behavior. Personal issues include succumbing to the power of the PC role, as evidenced by increasingly arrogant and omnipotent postures and decisions, experiencing high levels of anxiety about parental conflict and disputes, and responding angrily to clients' irrational, demanding behavior with highly punitive responses and decisions. Because the goals of the PC process include helping parents reduce their conflict and assume increasing responsibility for settling their own disputes (when appropriate), PCs need to consider how to manage their responsibilities without fostering undue dependency (e.g. attempting first to use facilitative/mediative processes to see if parents can reach agreement rather than always rushing to arbitration). Burn-out is likely when PCs have too many cases, overloaded schedules, fail to set appropriate limits with angry clients, and do not take vacations. Providing examples of where to set limits with these demanding parents is helpful (does one accept calls at all hours/weekends, does one structure or limit email communications, who determines how urgent a situation is, etc.). The usefulness of case consultation and PC support groups is clear for managing these issues.

Ethical Issues

Discussion of ethical standards for Parenting Coordination, as articulated in the AFCC Guidelines and elsewhere (Sullivan, 2004), should be included in all comprehensive training, and in subsequent continuing education or peer consultation groups.

Maintaining Impartiality

Angry, demanding, irresponsible, seductive, polarizing parents create strong personal reactions in all of us, creating significant psychological and professional challenges in maintaining (or appearing to maintain) impartiality and objectivity in dealing with parents in all interactions (but not the outcomes). Too many cases, too little time,

interviews of their views and concerns are valuable and important to retain. Complete records enable the PC to reliably document prior disputes, parental demands, requests, behaviors, compliance, and proposals which are helpful in preparing the rationale for decisions or recommendations made to the court, and important in the event there is a Licensing Board complaint. It should be noted that there are different perspectives on record keeping which should be discussed during the training.

DEVELOPING MORE SPECIALIZED KNOWLEDGE AND SKILLS IN SUBSEQUENT CONTINUING EDUCATION

Parenting Coordinators that have taken comprehensive PC training are expected to pursue more specialized training to extend and complement their knowledge and skills (Guideline I(E)). Such training can be organized within local jurisdictions, or offered by statewide and national conferences such as AFCC or other professional interdisciplinary groups. It is helpful to form interdisciplinary PC working groups which can identify training needs and identify the appropriate persons to provide the expertise. Lawyers are generally not familiar with developmental aspects of children's expected behaviors and parent-child relationships and research on factors affecting children's adjustment following separation. Few have the knowledge and skill base for interviewing children (guardian *ad litem* may have such training). Because lawyer PCs are not representing either party, consultation groups can focus on how to maintain clarity about their role on behalf of the whole family (children and both parents). Mental health professionals may benefit from workshops which analyze parental disputes and practice drafting concise decisions (and their underlying rationales) which are then shared and critiqued. Seminars offering a child-focused semi-structured interview format for listening to children would be beneficial for many practitioners, including a consideration of format, structure of interview, developmental issues, technique, cautions, advantages, and processes for feedback to parents. Case presentations in groups of new and practicing PCs also provide helpful practice knowledge and peer consultation and support.

- Dutton, D.G. (2005). Domestic abuse assessment in child custody disputes: Beware the domestic violence research paradigm. *Journal of Child Custody*, 2(4), 23-42.
- Eddy, W.A. (2006). *High conflict people in legal disputes*. Calgary, Alberta, Canada: Janis Publications.
- Emery, R.E. (2006). *The truth about children and divorce: Dealing with emotions so you and your children can thrive*. New York: Viking/Penguin.
- Emery, R.E. (1999). *Marriage, divorce, and children's adjustment* (2nd ed.). Thousand Oaks, CA: Sage.
- Fabricius, W. V., & Hall, J. (2000). Young adults' perspectives on divorce: Living arrangements. *Family & Conciliation Courts Review*, 38(4), 446-461.
- Finley, G.E., & Schwartz, S.J. (2004). The father involvement and nurturant fathering scales: Retrospective measures for adolescent and adult children. *Educational and Psychological Measurement*, 64(1), 143-164.
- Finley, G.E., & Schwartz, S.J. (2007). Father involvement and young adult outcomes: The differential contributions of divorce and gender. *Family Court Review*, 45(4), 573-587.
- Friedman, M. (2004). The so-called high-conflict couple: A closer look. *American Journal of Family Therapy*, 32, 101-117.
- Gollop, M., Smith, A.B., & Taylor, N.J. (2000). Children's involvement in custody and access arrangements. *Child and Family Law Quarterly*, 12(4), 396-399.
- Guidelines for Parenting Coordination (2006). AFCC task force on parenting coordination. *Family Court Review*, 44(1), 164-181.
- Grych, J.H. (2005). Interparental conflict as a risk factor for child maladjustment: Implications for the development of prevention programs. *Family Court Review*, 43(1), 97-108.
- Hetherington, E.M. (1999). *Coping with divorce, Single parenting, and remarriage*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Hetherington, E.M., & Kelly, J. (2002). *For better or for worse*. New York: Norton.
- Jaffe, P.G., Johnston, J.R., Crooks, C.V., & Bala, N. (2008). Custody disputes involving allegations of domestic violence: The need for differentiated approaches to parenting plans. *Family Court Review*, 46(3), 500-522.
- Johnson, M.P. (2005). Apples and oranges in child custody disputes: Intimate terrorism vs. situational couple violence. *Journal of Child Custody*, 2(4), 43-52.
- Johnson, M.P. (2006). Conflict and control: Gender symmetry and asymmetry in domestic violence. *Violence against Women*, 12, 1003-1018.
- Johnston, J., & Roseby, V. (1997). *In the name of the child: A developmental approach to understanding and helping children of high-conflict and violent families*. New York: Free Press.
- Kelly, J. B. (2000). Children's adjustment in conflicted marriage and divorce: A decade review of research. *Journal of Child and Adolescent Psychiatry*, 39(8), 963-973.
- Kelly, J.B. (2002). Psychological and legal interventions for parents and children in custody and access disputes: Current research and practice. *Virginia Journal of Social Policy and the Law*, 10(1), 129-163.
- Kelly, J.B. (2003a). Parents with enduring child disputes: Multiple pathways to enduring disputes. *Journal of Family Studies*, 9(1), 37-50 (Australia).

JOAN B. KELLY, Ph.D.
PUBLICATIONS & RESOURCE MATERIALS: ORDER FORM *

Divorce, Custody, and Mediation Publications:

- ____\$7.00 Kelly, J. B. (2008). Preparing for the Parenting Coordinator role: Training needs for mental health and legal professionals. *Journal of Child Custody*, 5 (1/2), 140-159. *
- ____\$7.00 Kelly, J. B. & Johnson, M. P. (2008). Differentiation among types of intimate partner violence: Research update and implications for interventions. *Family Court Review*, 46(3), 476-499. *
- ____\$7.00 Lamb, M. E. & Kelly, J. B. (in press). Improving the quality of parent-child contact in separating families with infants and young children: Empirical research foundations. In R. M. Galatzer-Levy, J. Kraus, & J. Galatzer-Levy, *The scientific basis of child custody decisions*. Hoboken, NJ: Wiley.
- ____\$7.00 Kelly, J. B. (2007). Children's living arrangements following separation and divorce: Insights from empirical and clinical research. *Family Process*, 46 (1), 35-52. *
- ____\$2.00 Kelly, J. B. (2007). Review of A. Clarke-Stewart & C. Brentano, *Divorce: Causes and consequences*. New Haven, CT: Yale University Press, 2006. *Family Court Review*, 45 (2), 339-342.
- ____\$7.00 Kelly, J. B. (2005). Developing beneficial parenting plan models for children following separation and divorce. *Journal of American Academy of Matrimonial Lawyers*, 19, 237-254. *
- ____\$5.00 Kelly, J. B. & Johnston, J. R. (2005). Commentary on Tiggins and Wittmann's "Empirical and ethical problems with custody recommendations: A call for clinical humility and judicial vigilance. *Family Court Review*, 43 (2), 233-241. *
- ____\$7.00 Kelly, J. B. (2004). Family mediation research: Is there empirical support for the field? *Conflict Resolution Quarterly*, 22 (1-2), 3 - 35. *
- ____\$5.00 Johnston, J. R. & Kelly, J. B. (2004). Rejoinder to Gardner's "Commentary on Kelly and Johnston's The alienated child: A reformulation of parental alienation syndrome." *Family Court Review*, 42 (4), 622-628. *
- ____\$6.00 Johnston, J. R. & Kelly, J. B. (2004). Commentary on Walker, Brantley & Riggsbee's "A critical analysis of parental alienation and its admissibility in the family court. *Journal of Child Custody*, 1(4), 77-89.
- ____\$6.00 Kelly, J. B. & Emery, R. E. (2003). Children's adjustment following divorce: Risk and resilience perspectives. *Family Relations*, 52, (4), 352-362. *
- ____\$6.00 Kelly, J. B. & Lamb, M. E. (2003). Developmental issues in relocation cases involving young children: When, whether, & how? *Journal of Family Psychology*, 17 (2), 193-205. *

*Available in pdf format without charge. Please provide email in legible form on last page.

Divorce Mediation Research Project Publications:

- \$6.00 Kelly, J. (1993). Developing and implementing post-divorce parenting plans: Does the forum make a difference? In J. Bray and C. Depner (Eds.), Non-Residential Parenting: New Vistas in Family Living, Chapter 7 (pp. 136-155). Newbury Park, CA: Sage Publications.
- \$5.00 Kelly, J., & Duryee, M. (1992). Women & Men's views of mediation in voluntary and mandatory mediation settings. Family and Conciliation Courts Review, 30, (1), 34-49.
- \$6.00 Gigy, L., & Kelly, J. (1992). Reasons for divorce: Perspectives of divorcing men and women. Journal of Divorce & Remarriage, 18, 169-187.
- \$5.00 Kelly, J. (1991). Parent interaction after divorce: Comparison of mediated and adversarial divorce processes. Behavioral Sciences and the Law, 9, (4), 387-398.
- \$5.00 Kelly, J. (1990). Is mediation less expensive? Comparison of mediated and adversarial divorce costs. Mediation Quarterly, 8, (1), 15-26.
- \$8.00 Kelly, J. (1990). Mediated and adversarial divorce resolution processes: An analysis of post-divorce outcomes. Executive Summary, Fund for Research in Dispute Resolution.
- \$6.00 Kelly, J. (1989). Mediated and adversarial divorce: Respondents' perceptions of their processes and outcomes. Mediation Quarterly, 24, 71-88.
- \$7.00 Kelly, J., & Gigy, L. (1989). Divorce mediation: Characteristics of clients and outcomes. In K. Kressel and D. Pruitt (Eds.), Mediation Research: The Process and Effectiveness of Third-Party Intervention. (pp. 263-283). San Francisco, CA: Jossey-Bass.
- \$5.00 Kelly, J. & Gigy, L. (1988). Client Assessment of Mediation Services (CAMS): A scale measuring client perceptions and satisfaction. Mediation Quarterly, 19, 43-52.
- \$7.00 Kelly, J., Gigy, L., & Hausman, S. (1988). Mediated and adversarial divorce: Initial findings from a longitudinal study. In J. Folberg and A. Milne (Eds.), Divorce Mediation: Theory and practice. (pp. 453-473). New York: Guilford Press.

Additional Resource Materials:

- \$8.00 Divorce and custody research bibliography. A 22-page bibliography of current research on custody, visitation, coparenting, marital conflict, domestic violence, and child adjustment.
- \$6.00 Special Master Order (Marin County, CA). An 11-page Order for a Court-appointed Special Master (Parenting Coordinator) used for chronic, high-conflict custody and access litigants.

JOAN B. KELLY, Ph.D.

Dr. Kelly is a clinical psychologist, researcher, teacher, and consultant. She received her Ph.D. from Yale University. For 38 years, her research, practice, teaching and publications have focused on research in children's adjustment to divorce, custody and access issues, divorce mediation, applications of child development research to custody and access decision-making, and parenting coordination. She has more than 85 publications, including *Surviving the Breakup: How Children and Parents Cope with Divorce* (Basic Books, 1980).

Dr. Kelly was a Founder and Executive Director of the Northern California Mediation Center for 19 years, and mediated divorce and family disputes. She developed and provided training programs in mediation and in Parenting Coordination. She was a forensic expert, custody evaluator, therapist, consultant, and Parenting Coordinator in high conflict custody cases. Now retired from forensic and mediation practice, Joan continues to give keynote presentations and teach seminars here and abroad and publish articles. She is a member of the APA Task Force to Develop Guidelines for the Practice of Parenting Coordination, and was a member of the AFCC Task Force on Parenting Coordination which was charged with developing guidelines for practice, recommendations for training, and judicial and program practices.

Dr. Kelly has received many awards, including Fellow of the American Psychological Association, the Distinguished Mediator Award from the Academy of Family Mediators, the Distinguished Research Award, and the Meyer Elkin Award from the Association of Family and Conciliation Courts. Joan is Past-President of the Board of Directors of the Academy of Family Mediators, and the California Dispute Resolution Institute.

Revised 10/08

[

1

[

$$[$$

1

11

[

1

1

1

44

1

!