

# Effective Use of Parenting Coordination: From Decision-Making to Building an Effective Co-parenting Team

Magistrate Dick Altman

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THE SUPREME COURT *of* OHIO **2020**  
Dispute Resolution  
Conference

# Effective Use of Parenting Coordination:

From Decision-Making to Building an  
Effective Coparenting Team

DEBRA K. CARTER, PH.D.  
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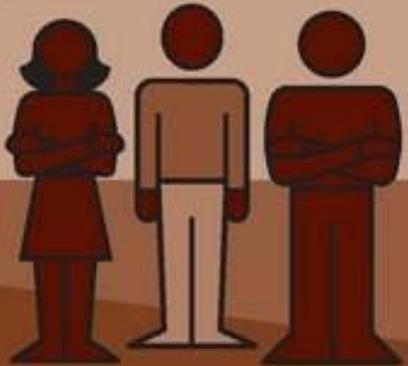
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# What is Parenting Coordination?



## UNDERSTANDING THE PARENTING COORDINATION PROCESS



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# Parenting Coordination Process

Parenting coordination is a *hybrid legal-mental health role* that combines dispute resolution, assessment, education, case management, conflict management and sometimes decision-making functions.

# Development of Parenting Coordination as a Dispute Resolution Process

- History of Parenting Coordination
- Expanse of Practice Across North America
- States/Provinces with Statutes/Rules/Governing Authority
- Expanse of Practice in Europe and Asia



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- ▶ 46 states have some form of Parenting Coordination
- ▶ 17 states have Statutory authority
- ▶ 20 states have Court Rules
- ▶ 22 states have Common Law Rules
- ▶ PC confidential in 6 states
- ▶ Non-Confidential in 17 states
- ▶ Consent not required in majority
- ▶ Most states allow reporting to the court
- ▶ Decision-making authority common, but usually temporarily binding





LEGAL AUTHORITY:  
OHIO RULES, LOCAL RULES,  
AND FORMS

# Ohio Definition of Parenting Coordination

“Parenting coordination” means a **child-focused dispute resolution process** ordered by a court of common pleas or division of the court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making.

“Parenting coordination” is not mediation subject to R.C. Chapter 2710 or Sup.R. 16.

# Sup. R 90.02 - Reasons for Ordering Parenting Coordination

The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:

- 1) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- 2) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;

# Reasons for Ordering Parenting Coordination

- 3) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- 4) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

# Reasons for Ordering Parenting Coordination

- 5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
- 6) Any other factor as determined by the Court.

# Qualifications in OH

These requirements are set forth in Sup. R. 90.05, which mandate that individuals have all of the following qualifications in order to be appointed as a parenting coordinator:

- ▶ Masters Level + or law degree
- ▶ Mediation Training (12 Basic + 40 Family)
- ▶ Domestic Violence Training (14 hours)
- ▶ Parenting Coordination Training (12 hours)
- ▶ 2 years of experience
- ▶ In abuse, neglect, or dependency cases:
  - ▶ Mediation Training (32 hrs Child Protection)
  - ▶ Significant Experience – Family Disputes

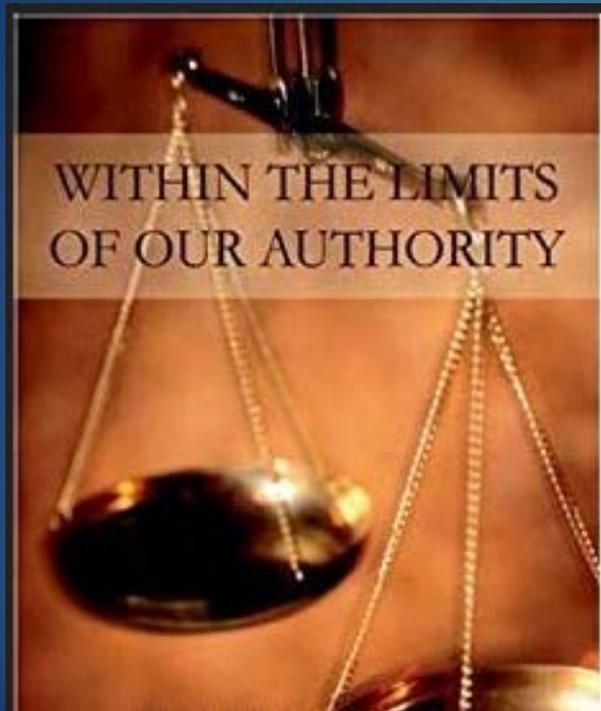
# Role & Functions of the Parenting Coordinator (PC)

- ▶ Orientation & Informed Consent
- ▶ Assessment
- ▶ Education
- ▶ Coordination/case management
- ▶ Communication
- ▶ Conflict management
- ▶ Parenting plan development/implementation
- ▶ Decision-making
- ▶ Written Agreements



# Limitations on Functions of the PC

- ▶ Varies by jurisdiction



# Models of Parenting Coordination

- ▶ Med/Arb Model (PC as Decision-Maker)
- ▶ "2 Person" Model (e.g. MHP & LP)
- ▶ Special Master/Recommender
- ▶ "Therapeutic" Model



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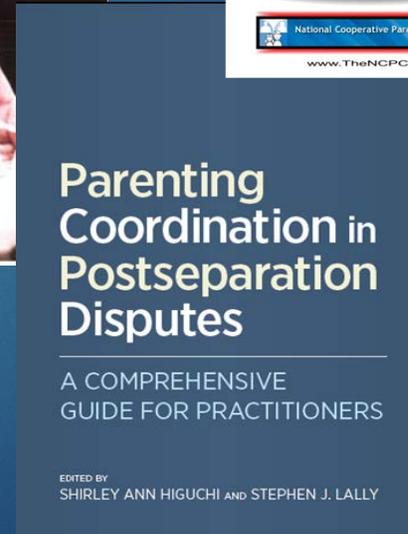
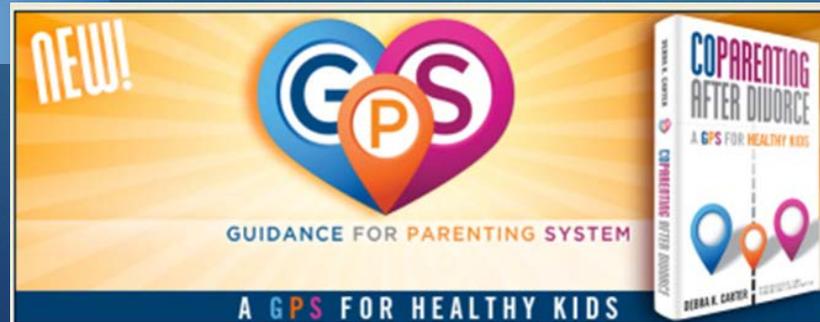
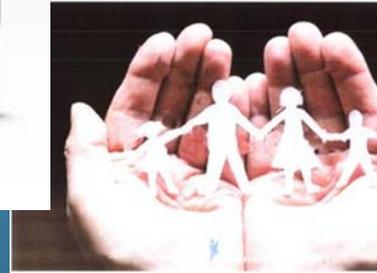
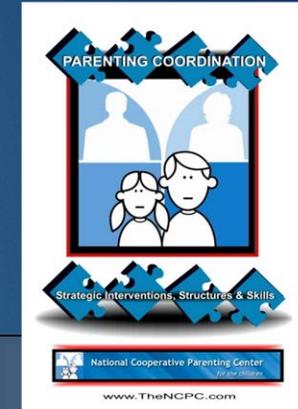
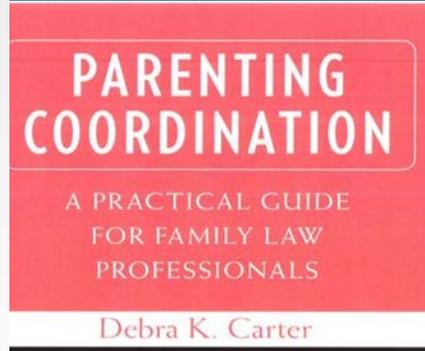
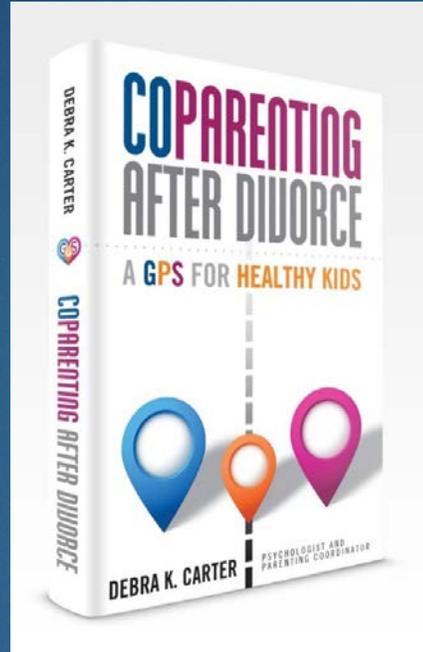
## Integrated Model (Hybrid psycho-legal process)

- ▶ Consistent with AFCC & APA Guidelines for Parenting Coordination
- ▶ Most research on efficacy

# Resources for Professionals and Parents

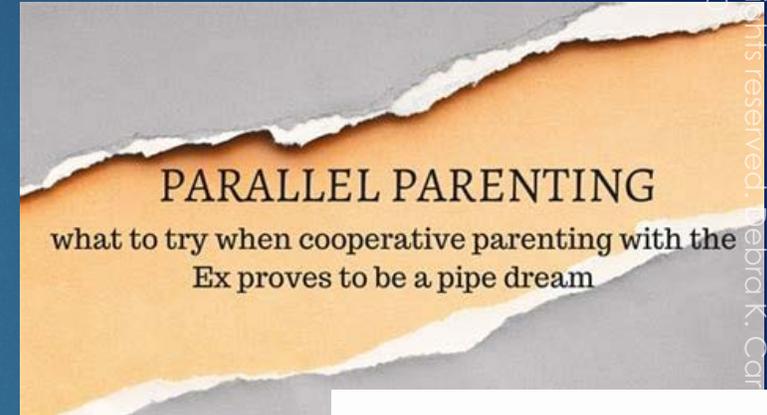
[WWW.THENCPC.COM](http://WWW.THENCPC.COM)

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# Types of Co-parental Relationships After Separation/Divorce

- ▶ Cooperative Parenting - 25-30%
  - ▶ Joint planning, flexibility
  - ▶ Provide support as needed
- ▶ Parallel Parenting - >50%
  - ▶ Low communication, low conflict
  - ▶ Disengaged
- ▶ Conflicted Relationship - ~20%
  - ▶ Poor communication
  - ▶ One or both parents may be still enmeshed



Fidler & McHale, 2020; Hetherington & Kelly, 2002; Maccoby and Mnookin, 1992; Mandarino, Pruett, Fieldstone, 2016

# Parent Conflict After Divorce

- ▶ 8 – 15% remain in high conflict 2 - 3 years post-divorce
- ▶ Psychiatric illness and personality disorders are disproportionate among this group
- ▶ Most conflict not about legal decision-making
- ▶ “High conflict couple” not always both parents

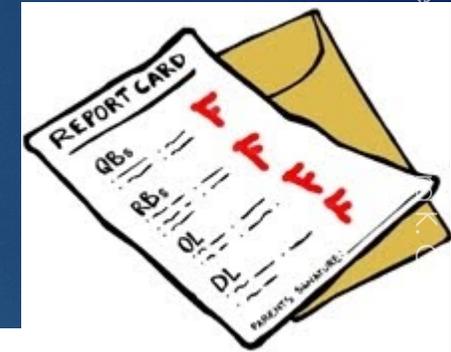
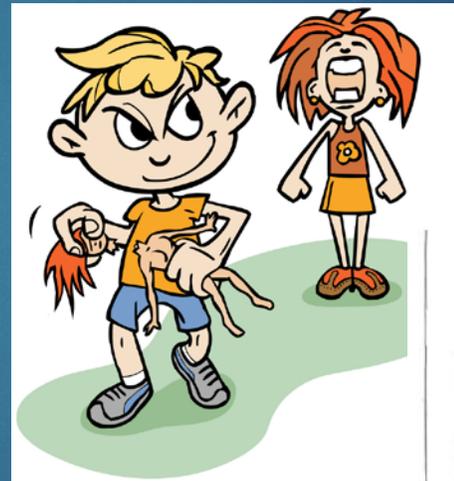
Friedman, 2004; King & Heard, 1999; Hetherington & Kelly, 2002; Johnston, et al, 2009; Kelly, 2002, 2003; Maccoby & Mnookin, 1992; Rowen & Emery, 2018



# Research on effects of interparental conflict on children – 1931 to present

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- ▶ Children who witness conflict between parents that is frequent, intense, and poorly resolved are at risk for negative developmental outcomes:
  - ▶ Increased anxiety
  - ▶ Depressive symptoms
  - ▶ Aggression
  - ▶ Antisocial behavior
  - ▶ Poor academic attainment
  - ▶ Dropping out of school
  - ▶ Substance misuse
  - ▶ Criminality
  - ▶ Suicide attempts



Ph.D.

Amato, 2000; Asarnow, Carlson, & Guthrie, 1987; Bernet et al., 2016; Cowan & Cowan, 2002; Davies & Cummings, 1994; Davies & Cummings, 2002; Grych & Fincham, 1990; Grych, Fincham, Jouriles, & McDonald, 2000; Harold & Conger, 1997; Harold et al., 2017; Harold, Shelton, Goeke-Morey, & Cummings, 2004; Harold, Elam, Lewis, Rick & Thapar, 2012; Rhoades, 2008; Roustit et al., 2011; Towle, 1931; Vezzetti, 2016.

# Youth psychopathology & related developmental outcomes

Historically, focused on

- ▶ **Parental divorce** (Amato, 2000) and
- ▶ **Domestic violence** (McTavish, MacGregor, Wathen, & MacMillan, 2016)

**Parental divorce** associated with a **range of poor outcomes** for children & adolescents:

- Reduced psychosocial well-being, e.g. internalizing, externalizing problems
- Poor social relationship
- Lower cognitive skills
- Risk of dropping out of school
- Increased risk of psych



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# Chronic environmental adversity

that **does not involve** physical or verbal violence places

- ▶ **children's mental health** and
- ▶ **future development at risk** (Harold, Leve, & Sellers, 2017)
- ▶ Need to **move beyond simple dichotomy** (e.g. conflict present or absent) to children's mental health outcomes at risk exist across a continuum of expressed severity

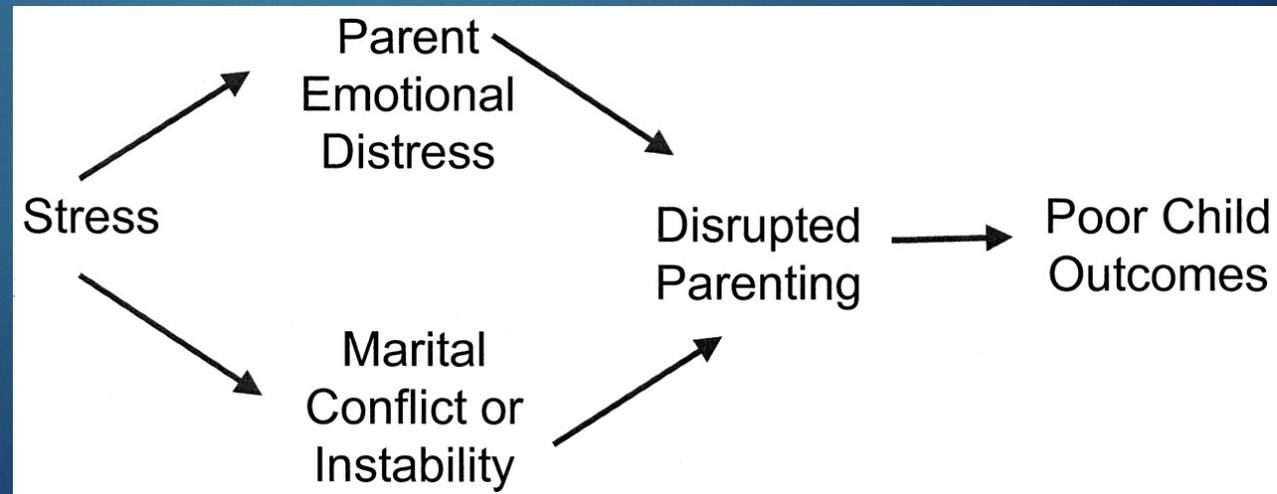


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# New Diagnosis (DSM-5) = CAPRD = Child Affected by Parental Relationship Distress

- ▶ Children react to:
  - ▶ Parental intimate partner violence
  - ▶ Parental intimate partner distress
  - ▶ **Acrimonious divorce**
  - ▶ Unfair **disparagement** of one parent by another

By showing evidence of:  
heightened **behavioral, cognitive, affective, or physical symptoms** (Bernet, Wamboldt, & Narrow, 2016)



# Why Use Parenting Coordination?



- Improving outcomes for children AND
- Interrupting destructive intergenerational cycles of interparental conflict and adverse youth outcomes.



# INTERNATIONAL SOCIETY OF FAMILY LAW

## **PROTECTING GENERATIONAL SOLIDARITIES THROUGH INTERVENTIONS WITH DIVORCING FAMILIES – THEORY, RESEARCH AND PRACTICE**

DEBRA K. CARTER

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PH.D., PROFESSOR OF PSYCHOLOGY AT USF ST PETERSBURG,  
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The divorce rate in families of minor children has skyrocketed over the past 35 years, first in the United States and now in other countries worldwide. As a result, an increasing number of children in Western countries today must navigate their childhood and adolescence not just without the extended family ties once enjoyed by children of bygone generations, but without the stable care, concern and attention of their mothers and fathers as a coparenting “team” committed to raising the child together. Coparenting refers to the support and solidarity between adults responsible for the joint care of children (MCHALE and LINDAHL, 2011). Such support and solidarity is a crucial support for children as they develop, and research indicates that

# Failure to Act Impacts All of Us!

## Substantive Costs:

Early health support

Education

Health/medical services

Social Services

Employment

Crime & Justice

Family & Relationship Support  
Services





# Research Has Explored....

- ▶ **What it is?** (AFCC Task Force, 2005; Backer et al., 2005)
- ▶ **Who is doing it?** (Beck et al, 2008; Hayes, 2010; Kirkland & Sullivan, 2008; Fieldstone et al., 2011)
- ▶ **Professionals and PC's perceptions of PC's role** (Beck et al, 2008; Hayes, 2010, Hayes et al. 2012; Kirkland et al. 2008; Hirsch, 2016)
- ▶ **Interventions used** (Belcher-Timme, et al., 2013; Fieldstone et al., 2011)
- ▶ **Parents' perspectives** (Armbruster, 2011; Mandarino et al., 2016; Cry et al. 2017; 2018; McHale & Carter, 2020)
- ▶ **Child's views** (Cyr et al. 2018)
- ▶ **Outcomes/efficacy** - eg., level of conflict, litigation, parent satisfaction (Belcher-Timme et al. 2013; Henry, Fieldstone & Bohac, 2009, Fieldstone et al., 2011, Fieldstone et al., 2012; Brewster et al., 2011; Mandarino et al., 2016; Scott et al., 2010; Lally & Higuchi, 2008; Ergun, 2016; Cyr et al. 2017)
- ▶ **Parent characteristics--for whom it is and is not working**



# A Collaborative Effort



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### Focus on Clinical Practice

#### ***Applications of Focused Coparenting Consultation with Unmarried and Divorced Families***

—James P. McHale and Debra K. Carter

Practitioners who work with couples parenting young children have witnessed an explosion of interest in coparenting theory and research since 1995 (McHale & Sullivan, 2008). Once viewed as a family process that demanded close attention only post-divorce, attainment of coordinated and cooperative parenting efforts between parenting adults is now recognized to be critically important for healthy child adjustment. This is in every family system where more than one adult contributes to the care and upbringing of children – married, never married or divorced biological or adoptive parents, step-parents, parents and grandparents in 3-generational family systems, biological and foster parents (McHale et al., 2002; McHale, 2009; McHale & Lindahl, 2011). Each of these systems provides its own unique challenges and dynamics important to target in clinical interventions.

In this article, we address application of a model initially developed to help married or romantically-involved couples strengthen their coparental alliance

– Focused Coparenting Consultation (FCC; McHale & Irace, 2010) – to two other family systems. We first examine FCC's utility as a model for guiding "front end" work with expectant couples who have not made a commitment to marry (referred to in contemporary writings as "fragile families") and then speak to FCC's applicability in "back end" efforts with couples post-divorce, in the context of parenting coordination efforts. The root principles of FCC remain the same in work with both types of family systems. However, strategies for helping raise couple consciousness about the imperative to work collaboratively in the best interests of the child vary as a function of the couple's relational history and degree of commitment to one another.

#### **Focused Coparenting Consultation: Overview**

FCC was developed as a time-limited consultation, one with a clear focus and clear goals. Its guiding premise is that parents, even those experiencing distance or acrimony

# FAMILY COURT REVIEW

An Interdisciplinary Journal

Volume 58 Number 1

January 2020

*Leading dialogue in family court research,  
policy and practice for more than half a century*



AFCC The Journal of the Association of Family and Conciliation Courts

## PERSPECTIVES OF MOTHERS, FATHERS, AND PARENTING COORDINATORS CONCERNING THE PROCESS AND IMPACT OF PARENTING COORDINATION

James P. McHale, Debra K. Carter, Marthanne Miller, and Linda Fieldstone

In a small pilot study, 31 interviewees, including 12 parenting coordinators, 11 mothers, and 8 fathers representing 14 different parenting coordination cases retrospectively described child and family functioning both pre- and post-parenting coordination in phone interviews. They also detailed how often and how well different issues that arose during the parenting coordination work (acrimony, problem-solving communication, triangulation of the child into the conflict) were actively addressed. Parties tended to view coparenting more positively when reflecting on post- compared with pre-intervention, but reported less change in child adjustment. Discrepancy among same-case informant reports was common. Parenting coordinators (PCs) consistently rated their interventions as more frequent and successful than did parents. Mothers and fathers largely disagreed on interventions they experienced. While this small *N* pilot can offer no definitive conclusions, it underscores need for research and wisdom in including both parents' perspectives.

#### Key Points for the Family Court Community:

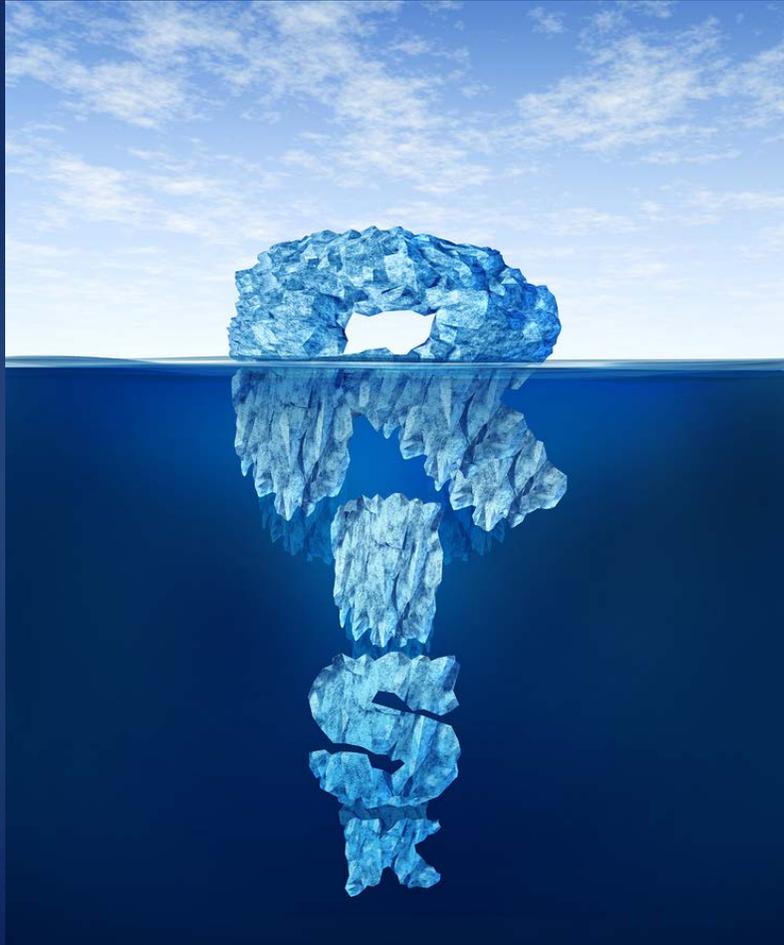
- Empirical study of the mechanisms and effectiveness of parenting coordination are urgently needed; parental perspectives have been overlooked in past parenting coordination research.
- Examining and comparing views of multiple parties within a given case spotlights differences in parent and PC views about parenting coordination effectiveness.
- When reflecting on adjustment before and after parenting coordination, parties rate some facets of coparenting better post- than pre-parenting coordination, but see little change in child adjustment.
- PCs typically rate effectiveness more highly than parents, and parents largely disagree with one another and/or with PCs on effectiveness of interventions.
- Nearly all parties say a focus on child-centered team-building would have been helpful.

**Keywords:** *Acrimony; Coparenting; Parenting Coordination; Problem-Solving; Triangulation.*



# How Do PCs Manage High Conflict Behaviors?

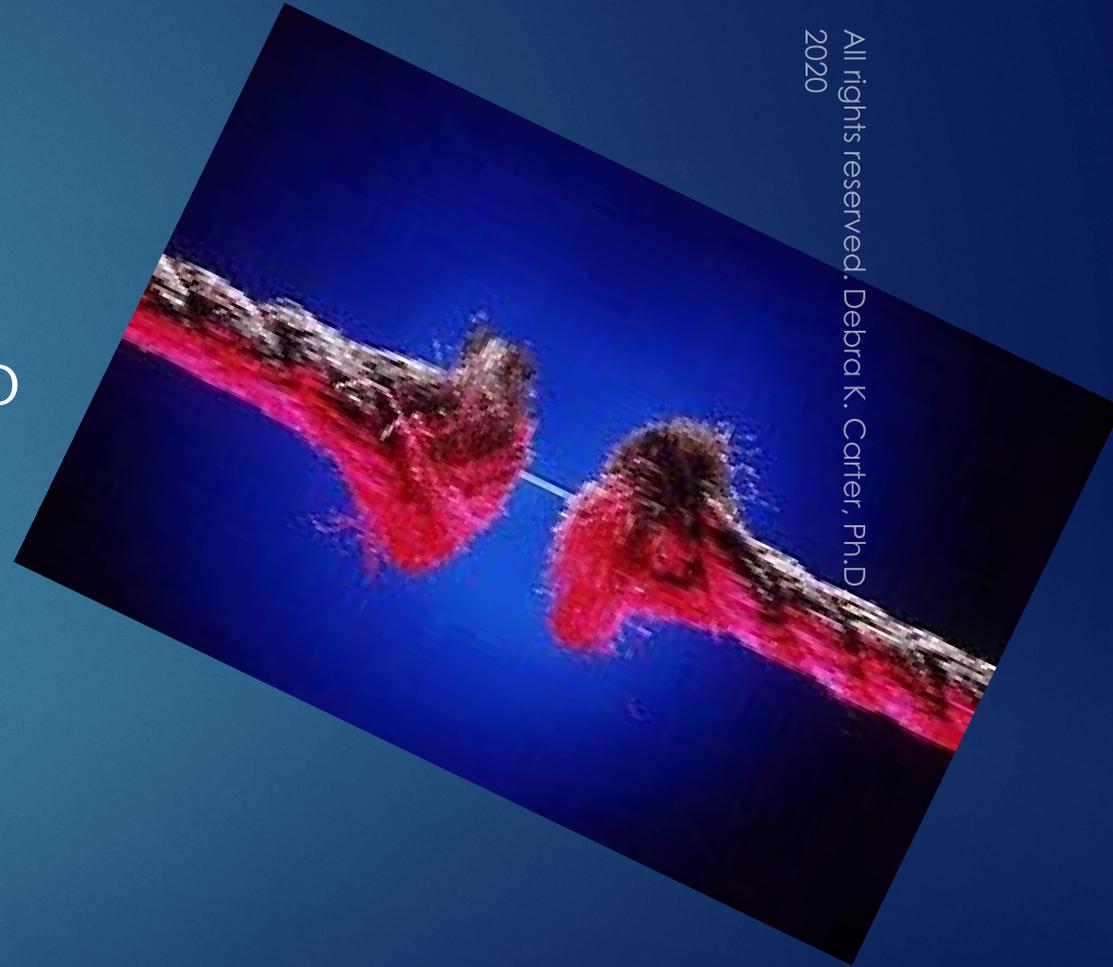
# Coparents' may have had long-standing conflicts over:



- ▶ communication
- ▶ anger management
- ▶ parenting style
- ▶ substance use
- ▶ sexual intimacy
- ▶ work and family balance
- ▶ division of family responsibilities
- ▶ or debt and finances

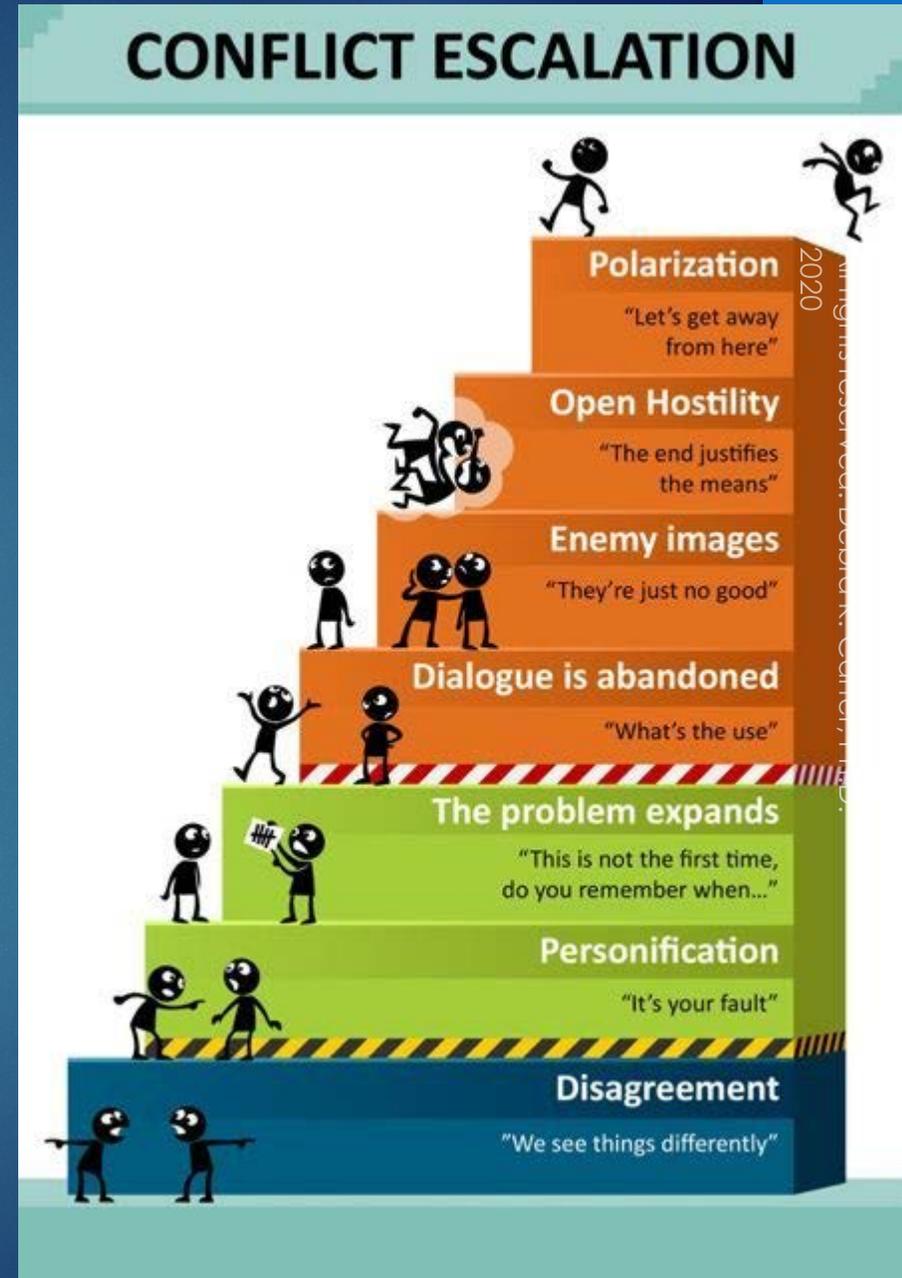
# Conflict Emerges => Legal-Adversarial

- ▶ **The intensity of conflict escalates.**
- ▶ Separation and divorce **create a context for serious incidents** to cause a breach in the relationship
- ▶ Coparents jump into a **legal-adversarial environment.**



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- ▶ Coparents “climb the hill” of conflict with
- ▶ escalating threats,
- ▶ communication cut-off,
- ▶ and the involvement of third parties.
- ▶ Involvement in less adversarial processes such as divorce education, parent skills-based programs, collaborative processes, and mediation **fail to resolve conflict**
- ▶ and the **conflict entrenches**.



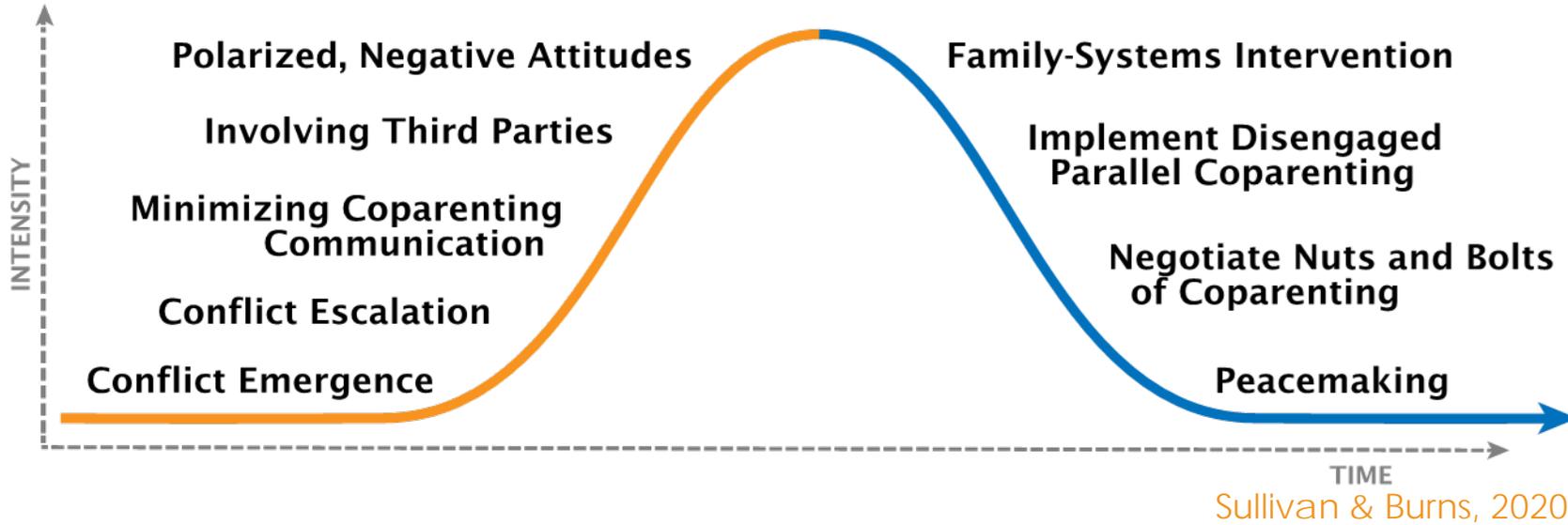
# Litigants Don't Make Good Coparents\*

- ▶ Involvement in adversarial court processes (hearings, child custody evaluations, trials) reinforces motivations or outcomes that are **antithetical to functional coparenting**.
- ▶ The longer coparents engage in this litigative context, the **more intractable their conflict becomes**.



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\*Sullivan & Burns, 2020

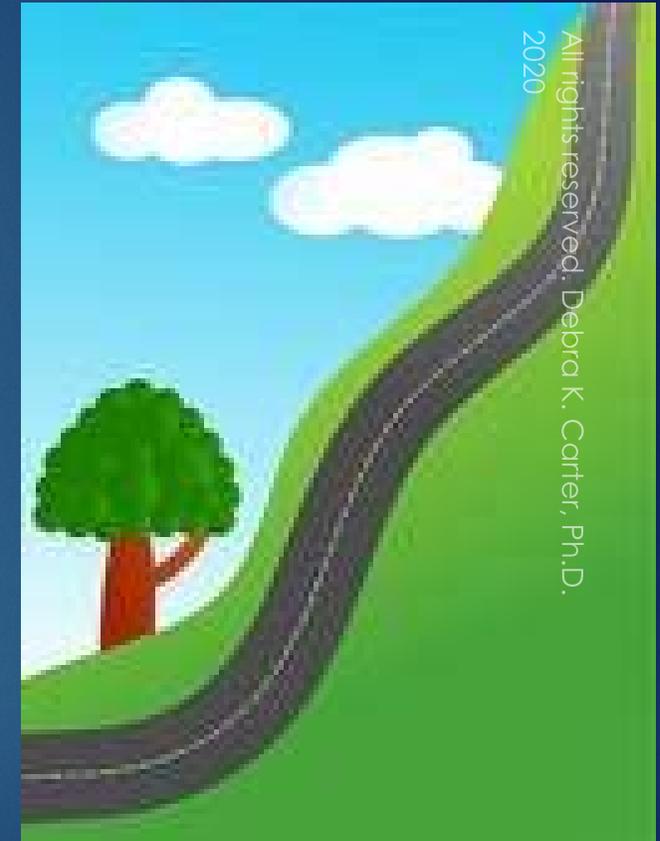


How does Parenting Coordination **manage intractable conflict** and move coparents to **peacemaking**?

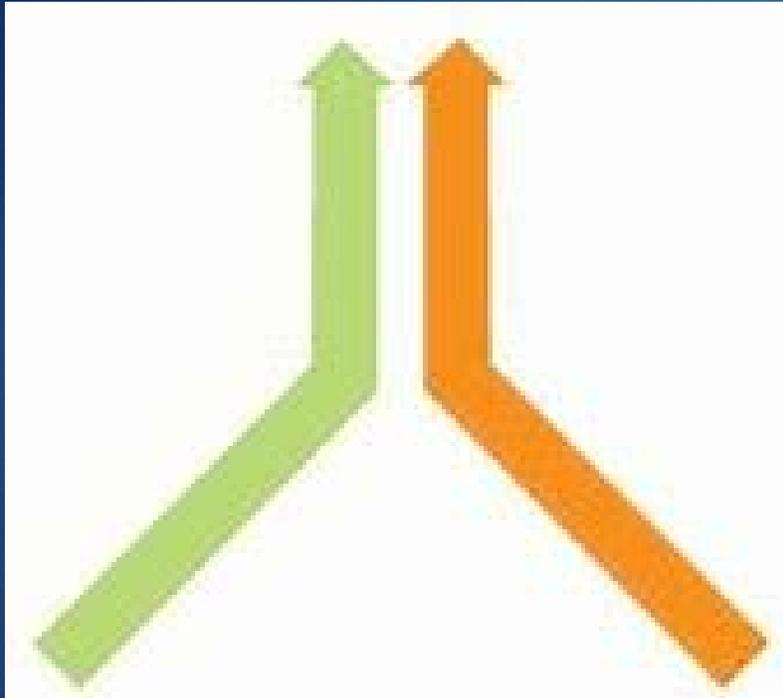
# Climbing the Hill

Often involves failed peacemaking attempts followed by intensified conflict.

- ▶ Primary role of PC during this phase:
  - ▶ Contain
  - ▶ manage and ideally
  - ▶ reduce the level of conflict
  - ▶ Support adequate child-focused information-sharing
  - ▶ and decision-making



# PCs create a parallel model of coparenting

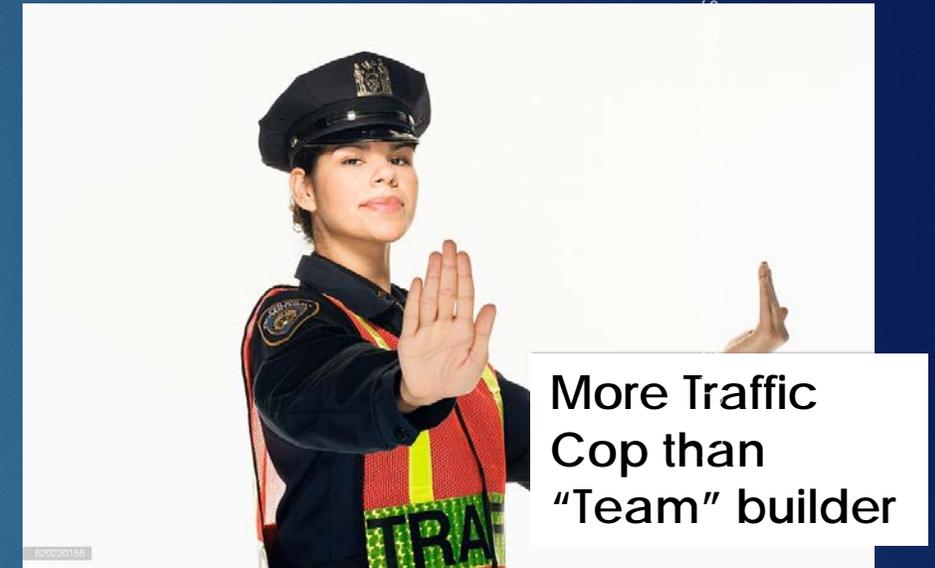


- ▶ **Eliminate the opportunity** for coparents to engage in a way that maintains or escalates conflict.
- ▶ A parallel or disengaged mode of coparenting **minimizes the most toxic factors** impacting children's outcomes after divorce - interparental conflict.

# Tools that support Parallel Coparenting

- ▶ Very **detailed parenting plans**
- ▶ Use of online shared parenting platforms
- ▶ PC functions as the **interface between coparents**
- ▶ PC **structures, monitors, and enforces** how communication between the coparents occurs–

**PC may need to make MORE DECISIONS during this phase, but should be cautious**



# Stalemate (top of the curve)

- ▶ Eventually, it becomes obvious, at least to the court and the professionals working with the parents, that continued court involvement is counterproductive.
- ▶ Neither coparent can “win.”
- ▶ This is the point in the conflict that the coparents, with the encouragement of outside professionals, may agree to work with a PC.





The PC can help coparents move to the right side of the intractability curve.

# Gardening Analogy

- ▶ Preparing the soil
- ▶ Planting Seeds of Peace
- ▶ Nurturing Growth
- ▶ Keeping out the weeds



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The **PC's role and functions**, primarily focused on de-escalating conflict, **shift** when parents move into the right side of the curve.

# Small Steps to Big Goals

- ▶ After a time of relatively low-conflict minimal engagement,
- ▶ **coparents can build more cooperative interactions.**
- ▶ Parenting coordination builds the structure and skills for coparents to make progress toward an effective coparenting team
- ▶ and become less dependent on the PC.



# Why is the PC role effective?

- ▶ Authority
- ▶ Knowledge
- ▶ Availability



# Decision-making role vs. Building an Effective & Sustainable CoParenting Team



# Band-Aid or Necessary Life Line?



**I don't know.**



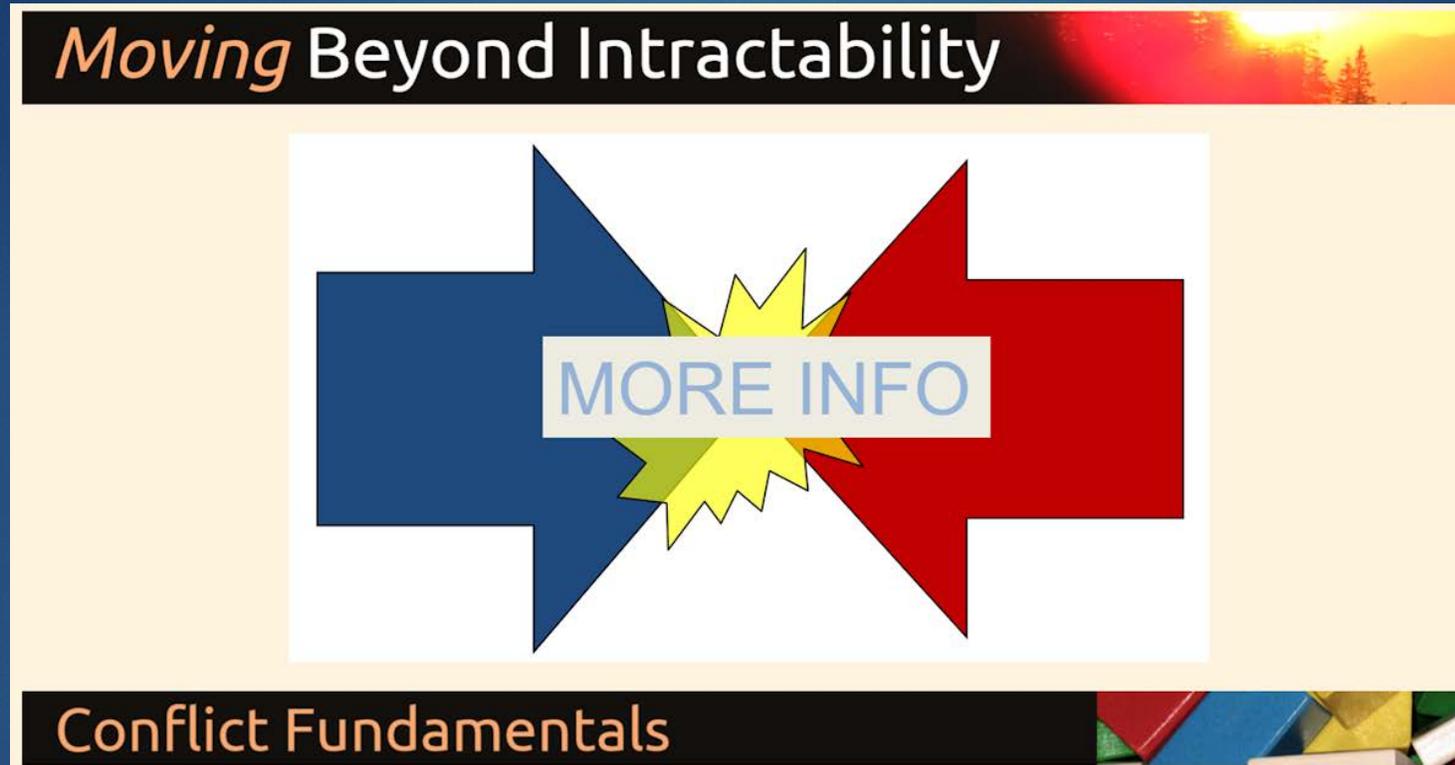
What are the consequences of making a decision **NOW**? Short-term? Long-term?

- ▶ Did coparents come into parenting coordination because less adversarial court processes were not effective?
- ▶ Are coparents **open to education**/skill-building?
- ▶ Does either parent display **empathy** or an awareness of their **child's experience**?
- ▶ Have the coparents been given **adequate time to allow heightened emotions to calm**?

## Timing Matters



# Parenting coordination has **different utility** at **different phases** of intractable conflict



# Advanced Parenting Coordination Intervention – Building a Coparenting Team

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The UB Journal of Psychology | 49/3  
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*Through the Eyes of the Child:  
An advanced parenting  
coordination intervention  
for high conflict  
post-divorce families*

**James P. McHale**  
**Debra K. Carter**

**Abstract**  
This article describes and outlines a brief intervention designed to help bring high conflict divorcing parents back together in solidarity with the express purpose of bettering the family climate for their shared child or children. "Through the Eyes of the Child", a six-session intervention based on principles of a Focused Coparent-

*Anuario de Psicología*  
N.º 49/3 | 2019 | págs. 156-163

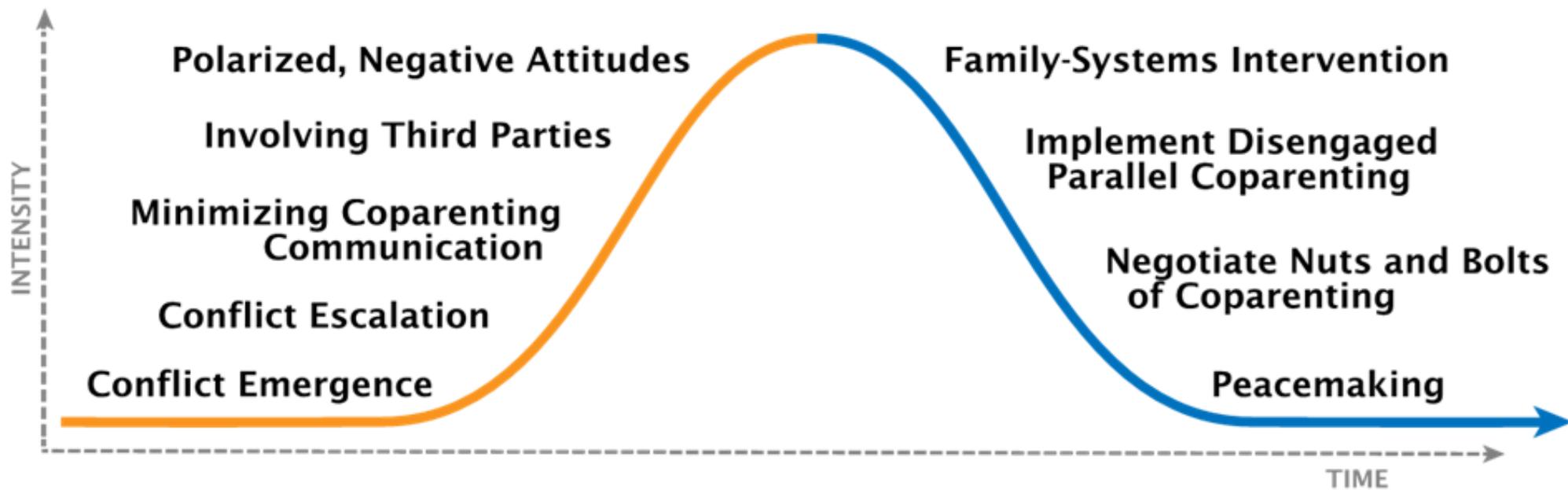
Recibido: 8 de agosto de 2018  
Aceptado: 11 de febrero de 2019

**THROUGH THE EYES OF THE  
CHILD:**

**A Coparenting Intervention for Divorcing Parents**

**Is it my  
fault?**





Sullivan & Burns, 2020

# Dealing with Non-Compliance



# Addressing a coparents's resistance

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## Different Approaches:

1. The court has the authority to appoint a PC without parent's consent while retaining ultimate authority.
2. The **court could assign decision-making for all or some of the subject areas exclusively to one of the coparents.**
3. The PC may have decision-making authority subject to court review.



# Court Appointment Order



- ▶ **Clear court orders are essential for successful parenting coordination.**
- ▶ Orders should, ideally, be driven by statute/rule which outlines the process, the role, functions, and authority for parenting coordination.
- ▶ Where there are no standardized orders, **the appointment order will need to cover the role and scope of the PCs authority and responsibilities.**

# Rule 90.09 Appointment Order (OH)

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division, when ordering parenting coordination, shall issue a written appointment order providing information regarding the appointment of the parenting coordinator, including but not limited to the following:

- A. The name of the parenting coordinator and any contact information for the parenting coordinator the court may choose to include;
- B. The specific powers and duties of the parenting coordinator;
- C. The term of the appointment;
- D. The scope of confidentiality;
- E. The parties' responsibility for fees and expenses for services rendered by the parenting coordinator.

# AFCC Guidelines for Parenting Coordination (2019, VI (a)(b))

Court orders should include the essential elements necessary for parenting coordination work including:

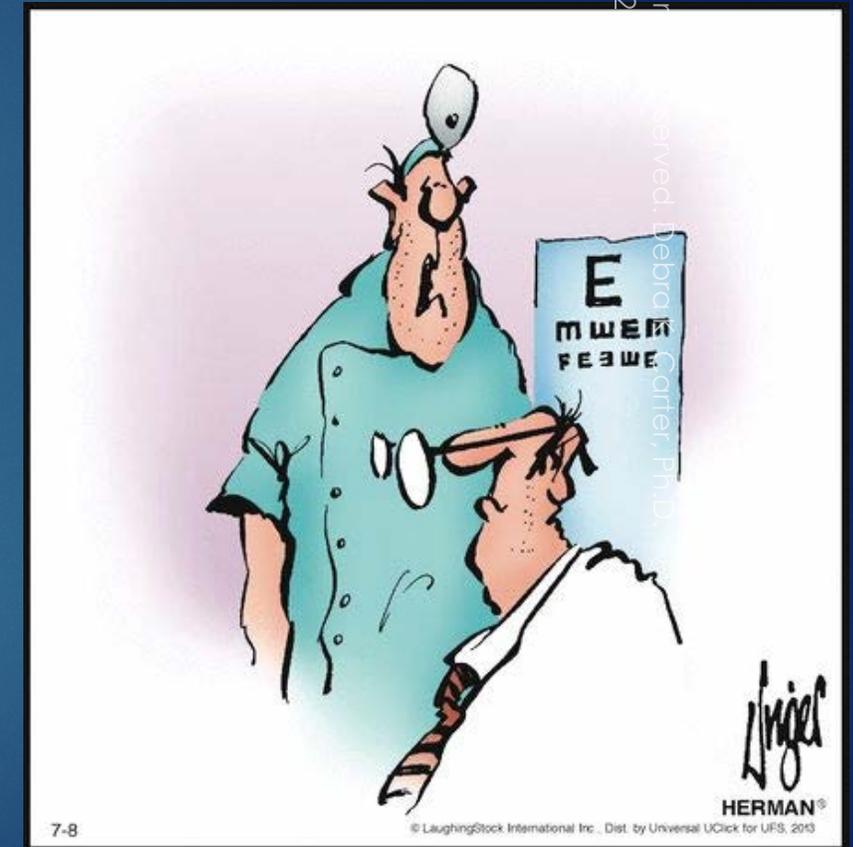
- ▶ term of service
- ▶ purpose of the role
- ▶ scope of authority
- ▶ PC's access to information
- ▶ limits of confidentiality
- ▶ procedures for the process
- ▶ procedures for decision-making
- ▶ how/if reports will be submitted to the court
- ▶ extent of judicial review
- ▶ fees
- ▶ grievance process
- ▶ process for termination of parenting coordination.

# Rule 90.11 Compliance with Guidelines for Parenting Coordination

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the guidelines and Sup.R. 90 through 90.12, the rules shall control.

# What Decisions Can/Should the PC Make?

- ▶ Guideline XI(B) “**Scope of Decision-Making**” is an extensive list of specific areas of a parenting plan for which a PC’s oversight can be utilized.
- ▶ “**Minor**” decisions in Guideline XI(b)(1) is generally interpreted to mean *di minimis* parenting time adjustments or changes which do not alter parenting time or responsibilities enough to warrant a change in child support obligations.



“They may need a minor adjustment.”

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# Scope of a PC's Role

- ▶ The scope of a PC's role is a **delicate balance** between
- ▶ **enough authority to enforce** and implement existing court orders
- ▶ **without encroaching on judicial** functions and authority.
  
- ▶ The appointment order must not only outline **what decisions** the PC can make,
- ▶ but must also **specify what the court will do** with those decisions, once made.



# PCs collaboration with attorneys & court

- ▶ To be successful, the PC needs the support of the **coparents**, the **court** and each parent's **attorney**.
- ▶ Attorneys and the PC should, early in the case, **confer and clarify goals** for parenting coordination.
- ▶ Attorneys can help **manage the coparents' expectations** of the process.



# Building Trust and Respect



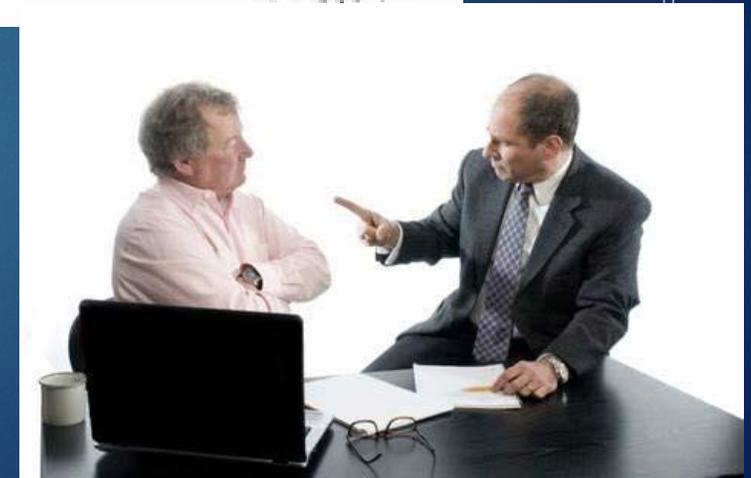
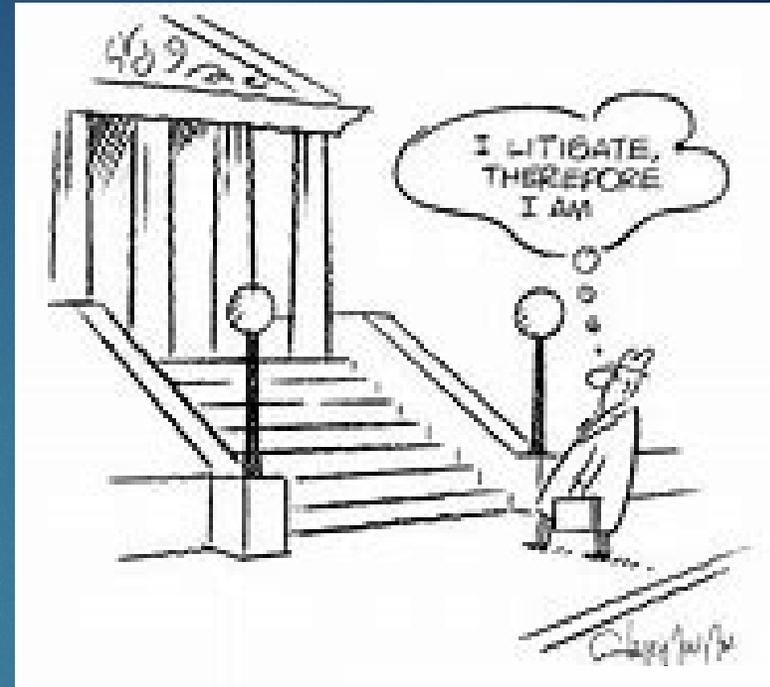
- ▶ Exchange of information between attorneys and the PC is important, both to **ensure transparency** to the process and to **avoid conflicting and confusing orders**.
- ▶ Giving the attorneys advance notice of new facts or a forthcoming recommendation will **enhance trust and respect** between the professions.

# PCs help attorneys help clients

- ▶ Attorneys can **prepare clients for changes** that otherwise might cause extreme behaviors.
- ▶ PCs can also help **“coordinate” disagreements between attorneys** which could complicate litigation, e.g. postponing depositions or hearings to reduce conflict while other interventions are utilized first.



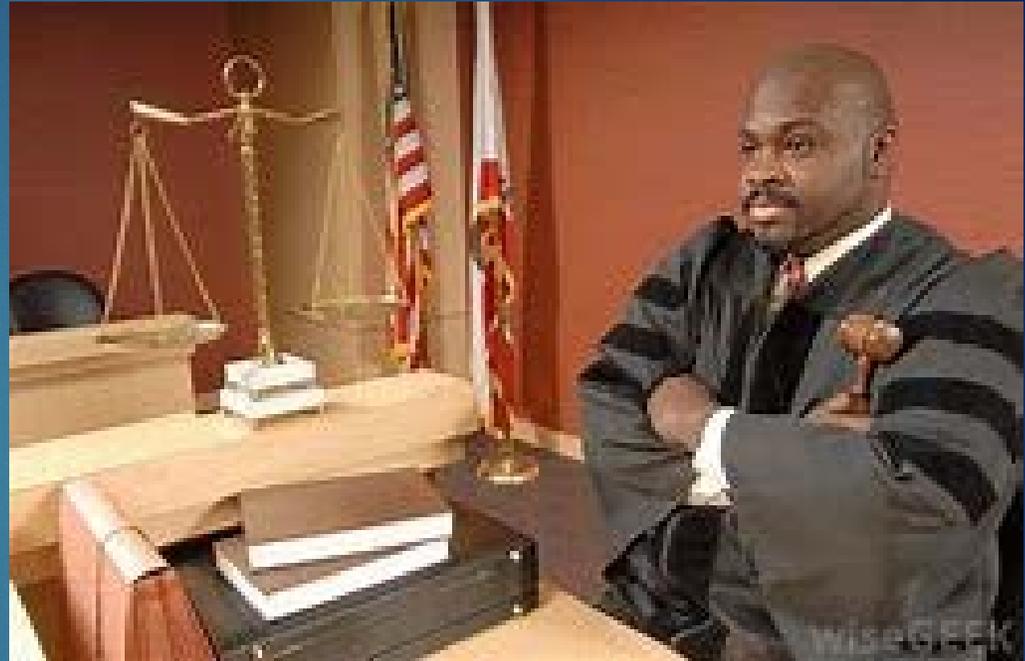
- ▶ Cooperation and communication between the attorneys and the PC **is essential to the process**
- ▶ The attorney can either **attempt to calm and educate the client** and seek further information from the PC to resolve the issue, or
- ▶ further **exacerbate the issue** with adversarial responses such as court filings, accusations, and litigation.



# Relationship between PC & Attorneys

- ▶ Counsel for each coparent should be willing to participate in joint calls with the PC when requested.
- ▶ A **helpful PC/attorney call** at the commencement of parenting coordination work will include:
  - ▶ identification of all court orders and documents important to the case (assessments, final parenting plans, modifications, and evaluations);
  - ▶ discussion of any IPV or abuse issues, and exchange of any current orders of protection;
  - ▶ discussion of the PC fee agreement and billing processes;
  - ▶ specific scope and authority issues to identify client and attorney goals and ensure the goals coordinate with the PC's authority;
  - ▶ guidelines for how the PC will communicate with the parents and the lawyers, including discussion of *ex parte* communication;
  - ▶ and exchange of any relevant upcoming dates including court dates, vacation schedules and the like (Fidler and Greenberg, 2019).

# Judicial Support of Parenting Coordination



- ▶ Courts must be cautious in not requesting the PC act in roles that exceed their scope of authority.
- ▶ While a judge may want the advice or recommendations of a skilled PC about appropriate legal decision-making or parenting time orders, **it is rarely appropriate for the PC to give such a recommendation.**
- ▶ The PC may **assist the court with these decisions** by providing specific data points on these issues without rendering an ultimate opinion or recommendation.



# Timely Interventions by the Court

**Judges can support** the parenting coordination process  
by **acting timely**

- ▶ when a PC report\* is received
- ▶ When a PC decision is received
- ▶ processing and entering court orders
- ▶ responding to a PC's requests for setting a status/case management conference\*\*

\* Def. of report vs decision?

\*\* Procedure/form for request?



# Rule 90.01

- (G) Addresses the issuance of parenting coordination agreements and **reports** or decisions by a parenting coordinator;
- (I) Provides that the decision of a parenting coordinator is effective immediately and remains effective unless ordered otherwise by the court or division;
- (J) Allows for objections to the decision of a parenting coordinator;

# Streamlined & Expedited PC Process

- ▶ The PC is in a unique position to identify when judicial intervention is necessary.
- ▶ When a PC's report/recommendation becomes a court order on an expedited basis or the PC gets a matter before the court in a matter of weeks, **coparenting can be enhanced**.
- ▶ **Coparents see real progress** as their issues are resolved in a timely (and less expensive) manner through parenting coordination.

# Educating Judiciary about benefits of Parenting Coordination

- ▶ **Judicial acceptance** of the parenting coordination role in their jurisdiction is crucial for the continued support of the process.
- ▶ Parenting coordination applied to a case of “frequent fliers”, can **drastically reduce court time** spent on those cases.
- ▶ Parenting coordination **allows coparents more input** into the final result than a single court hearing or a trial.



# Due Process



- ▶ Courts should have a **process of review**, which may include setting a hearing, before entering new orders.
- ▶ Depending on the jurisdiction, a court may **automatically set a hearing** on the PC's recommendations, or may **set a time frame** during which either party may file an objection to the recommendations and be granted an evidentiary hearing.
- ▶ Court's review may be **de novo** or "**abuse of discretion.**"
- ▶ The requirement of judicial review applies except where the parties have agreed to a parenting coordination process which is statutorily defined as binding arbitration (e.g., Rule 74, Arizona Rules of Family Law Procedure, Rule 74(j)(1)).

# Jurisdictional Variance

Judges may:

- ▶ accept a PC's recommendation in full
- ▶ accept a part of the recommendation and make modifications to it, or
- ▶ entirely reject a PC's recommendation.
- ▶ In some jurisdictions, a PC recommendation becomes a binding decision in the nature of arbitration and a judge can overturn or change that decision only upon a finding that the PC exceeded their scope of authority in making the decision.



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2020

# Thank You and Questions



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