

The Role of the Parenting Coordinator

PC from A to Z

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Politically Correct? Personal Computer? Privileged Character? To those of us in the Family Law field, PC has recently taken on another meaning - Parenting Coordinator. The questions are...

What is a Parenting Coordinator? A Parenting Coordinator ("PC") is a neutral third party who helps separated or divorced high conflict parents resolve child-related disagreements outside of court. In the short run, the purpose of getting a PC involved in such cases is to avoid multiple court appearances. In the long run, the hope is that the PC can help reduce the parental conflict which surrounds their decision making.

What is the role of a PC? In practice, PC's can serve a variety of functions depending on the needs of the family and on what is specified in the court's order of appointment. Among the possible roles are a facilitator of communication, decision maker, educator, case manager or monitor. While the PC's clients are the parents, the overarching responsibility of the PC is to make sure that child related decisions serve the best interests of the children. The concerns which the PC addresses generally are ones that are related to the implementation of the parenting plan as defined by separation agreement, stipulation, and/or orders of the court. Issues may range from agreeing to an educational or therapy plan for a special needs child to more mundane matters such as holiday schedules, pickup times and locations, or telephone access. Ultimately, by structuring and/or modeling productive decision making for the parents, the PC helps the parents establish a protocol for problem solving.

How does the PC process work? The process is designed to assist parents in making decisions and resolving conflict about their children. In the absence of a mutually agreeable resolution to a conflict, the PC is empowered to make the decision for the parties. In the first instance, the PC serves as a facilitator and mediator. In the latter instance, the role becomes that of an arbitrator. Initially the PC meets with the parties individually and/or together. Subsequent communication may occur over the telephone or electronic mail in addition to or instead of in-person meetings. The PC may also talk with the children or other professionals to gather the information necessary to understand the family and the issues. Written minutes and/or decisions are generally sent to the parties. If either of the parties is unhappy with that decision, the issue can be brought before a judge. However, until a court order dictates otherwise, the decision of the PC is binding on the parties by virtue of either the signed Parenting Coordinator Agreement, stipulation of the parties, or the

court order of appointment.

How do you get a Parenting Coordinator? By stipulation, the parties can voluntarily agree that they will work with a PC selected by their attorneys. For some, it is part of their separation agreement. Alternatively, some Probate Court judges appoint PC's in cases that have histories of protracted parental conflict. States vary in whether there is legislative authority for these court selected and appointed PC's. Nevertheless, in states which have no legally defined Parenting Coordinator, their use is becoming increasingly widespread.

What is the difference between a child custody evaluator (often called a Guardian *ad Litem*) and a PC? A child custody evaluator is appointed by the Court either to investigate facts or to evaluate a family and then, if requested to do so, to make recommendations to the Court about custody and visitation. Such an individual performs a fact finding or evaluative function so the court can carry out its ultimate decision making role. On the other hand, a PC works with parents to implement an existing parenting plan or perhaps make minor changes in such a plan, within the context of temporary court orders or a separation agreement.

Are there ethical guidelines and/or professional standards for PC's?

This varies from state to state. As of now, on a limited number of jurisdictions have clear guidelines for how to function as a PC, and there are generally no standards regarding who is qualified to be a PC. Currently, most PC's are attorneys or mental health professionals. Thus the PC adheres to the ethical guidelines of his or her profession. In 2005, a task force of the Association of Family and Conciliation Courts developed Guidelines for Parenting Coordination that have been promulgated by the organization. These are available on the AFCC website at www.afccnet.org. Because the field of Parenting Coordination is still developing, AFCC considered these to be "guidelines" rather than "standards" of practice.

Who pays for the Parenting Coordinator? Most often the Parenting Coordinator fees are split between the parties, usually on a 50/50 basis. This is generally clarified by contract with the PC and may be specified by stipulation of the parties or court order. Many PC's put a clause in their fee agreements that the fees can be reallocated if one of the parties is not acting in good faith or if one uses a disproportionate amount of time.

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