

# PARENTING COORDINATION: A POSITIVE ALTERNATIVE FOR HIGH-CONFLICT FAMILIES

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## ABSTRACT

*“The parents I work with in parenting coordination are committed to being the best parents they can possibly be and know they need help navigating the bumps—and sometimes bitter conflicts—along the way. They already have a court order for custody and parenting time. They have agreed to use a parenting coordinator to resolve ongoing issues rather than continuously go back to court. Together we identify their strengths and then work to solve problems collaboratively. As a neutral professional, I provide guidance and expect accountability as they raise their children according to their agreed or court-ordered parenting arrangement.” —Diane L. Dornburg*

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### I. PARENTING COORDINATION DEFINED

The Association of Family and Conciliation Courts (AFCC) defines parenting coordination as:

a child-focused alternative dispute resolution process in which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs, and with prior approval of the parties and/or the court, making decisions within the scope of the court order or appointment contract.<sup>1</sup>

The American Psychological Association defines parenting coordination as “a non-adversarial dispute resolution process that is court ordered or agreed on by divorced and separated parents who have an ongoing pattern of high conflict and/or litigation about their children.”<sup>2</sup>

Parenting coordination typically includes four basic elements:

1. An alternative dispute resolution process that moves the family out of the legal adversarial system and into an alternative process for resolving coparenting conflict;
2. Limited quasi-judicial decision-making authority vested in a parenting coordinator;
3. A parenting coordinator who is highly trained, experienced and accessible; and
4. Well-defined goals of the parenting coordination process and an appropriately-structured process to achieve those goals.<sup>3</sup>

Whether conducted by a legal professional or a mental health professional, parenting coordination includes:

- Assessing family relationships;
- Educating parents about children's needs;
- Assisting parents in developing skills in areas of boundary-

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1. *Guidelines for Parenting Coordination*, 44 FAM. CT. REV. 164, 165 (2006).

2. *Guidelines for the Practice of Parenting Coordination*, 67 AM. PSYCHOLOGIST 63, 64 (2012).

3. Matthew J. Sullivan, *Parenting Coordination: Coming of Age?*, 51 FAM. CT. REV. 56, 58–60 (2013) [hereinafter Sullivan, *Parenting Coordination*].

setting and effective communication;

- Monitoring compliance with details of the parenting plan;
- Providing case management services;
- Resolving conflicts in a timely manner;
- Making decisions or recommendations to the court, if agreed by the parents and ordered by the court.<sup>4</sup>

Parenting coordination is not a confidential process, and appointment of a parenting coordinator does not establish an attorney–client relationship.<sup>5</sup> Whether a parenting coordinator is a mandatory reporter of child abuse or dependent adult abuse depends on the state law regarding mandatory reporting and the rules applicable to the parenting coordinator’s profession.<sup>6</sup>

## II. HISTORY

In the early 1990s, custody evaluators and family law professionals began using special masters and mediators to resolve disputes between parents who were unable to agree.<sup>7</sup>

Judges and other professionals who worked with divorcing parents identified “frequent flyers” in family courts: families that needed custody evaluations and trials to establish custody and parenting plans, only to return to court repeatedly as they were unable to implement their custody orders and parenting arrangements without court intervention.<sup>8</sup>

Out of frustration, judges began to seek assistance from other family law professionals to relieve the burden on the courts from these frequent flyers.<sup>9</sup>

Discrete traditional roles in family court include judge, mediator, custody evaluator, child’s attorney, guardian ad litem, and individual, family,

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4. *Guidelines for Parenting Coordination*, *supra* note 1, at 165.

5. *Id.* at 168.

6. *Guidelines for the Practice of Parenting Coordination*, *supra* note 2, at 67.

7. *History of Parenting Coordination*, PARENTING COORDINATION CENT., [http://www.parentingcoordinationcentral.com/History\\_of\\_PC.html](http://www.parentingcoordinationcentral.com/History_of_PC.html) (last visited June 14, 2017).

8. Matthew J. Sullivan, *Coparenting and the Parenting Coordination Process*, 5 J. CHILD CUSTODY 4, 5 (2008) [hereinafter Sullivan, *Coparenting*].

9. Sullivan, *Parenting Coordination*, *supra* note 3, at 56–57.

couple, or group therapist.<sup>10</sup> The result of interdisciplinary dialogue was the development of the new role of parenting coordinator, which combined elements of the traditional roles that professionals had played in family court.<sup>11</sup> A single professional role could incorporate the many features of the different professionals: neutrality, impartiality, formal court appointment, focus on dispute resolution and the children's interests, evaluation, and education, along with legal authority, specialized knowledge, and direct availability to families in conflict.<sup>12</sup>

By 2001, the Association of Family and Conciliation Courts identified issues in the use of parenting coordinators, and in 2003, issued its study, *Parenting Coordination: Implementation Issues*.<sup>13</sup>

In 2004, addressing the various models of collaboration in family law, the AFCC published *Parenting Coordination for High Conflict Families*, recognizing the increasingly widespread use of parenting coordination and identifying issues and future needs in the development of this emerging form of alternative dispute resolution.<sup>14</sup>

In 2004, the District of Columbia established, as a pilot project, an Office of the Parenting Coordinator with the "authority to 'assist the parents in developing a parenting plan,' and to 'mediate disagreements between the parents'" and to "decide the dispute with a 'binding recommendation' that is as effective as a court order."<sup>15</sup>

The AFCC Task Force on Parenting Coordination developed and issued *Guidelines for Parenting Coordination* in 2005, prescribing the best practices for the use of parenting coordinators in the United States and Canada.<sup>16</sup>

### III. THE PURPOSE OF PARENTING COORDINATION

The purpose of parenting coordination is to assist high-conflict families.<sup>17</sup> The ultimate goal is to equip families to resolve disputes and

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10. Sullivan, *Coparenting*, *supra* note 8, at 5.

11. *Id.*

12. *Id.* at 5–6.

13. *Parenting Coordination: Implementation Issues*, 41 Fam. Ct. Rev. 533, 534 (2003); *see also Guidelines for Parenting Coordination*, *supra* note 1, at 164.

14. *See generally* Christine A. Coates et al., *Parenting Coordination for High-Conflict Families*, 42 FAM. CT. REV. 246 (2004).

15. *Jordan v. Jordan*, 14 A.3d 1136, 1154 (D.C. 2011); *see D.C. Super. Ct. Dom. Rel. R.* 53.

16. *Guidelines for Parenting Coordination*, *supra* note 1, at 164.

17. *Guidelines for the Practice of Parenting Coordination*, *supra* note 2, at 70.

difficult issues amicably and efficiently without the involvement of the courts or a parenting coordinator.<sup>18</sup>

High-conflict families are identified as those who repeatedly utilize litigation as a means of resolving custody and parenting issues and who are therefore highly skilled in adversarial processes—a skillset which undermines effective coparenting.<sup>19</sup>

Children benefit from improved coparenting by their parents. An overwhelming body of evidence exists reflecting that high conflict between parents is detrimental to children.<sup>20</sup> Parents benefit by improved cooperation, improved communication skills, the setting of mutually agreed-upon boundaries, clearly defined parenting plans, and access to a trained professional who can provide speedy responses to issues that develop.<sup>21</sup>

Courts benefit by the reduction in repeat litigation over issues that are personal in nature and not easily solved by judicial pronouncement.<sup>22</sup>

Matthew J. Sullivan, Ph.D., citing earlier research, identified four general categories into which coparenting may fall after divorce or separation.<sup>23</sup> The categories are created by two variables: the level of engagement between parents and the level of conflict between parents.<sup>24</sup>

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18. *See id.*

19. Coates et. al., *supra* note 14, at 246–47.

20. Sullivan, *Coparenting*, *supra* note 8, at 9–10.

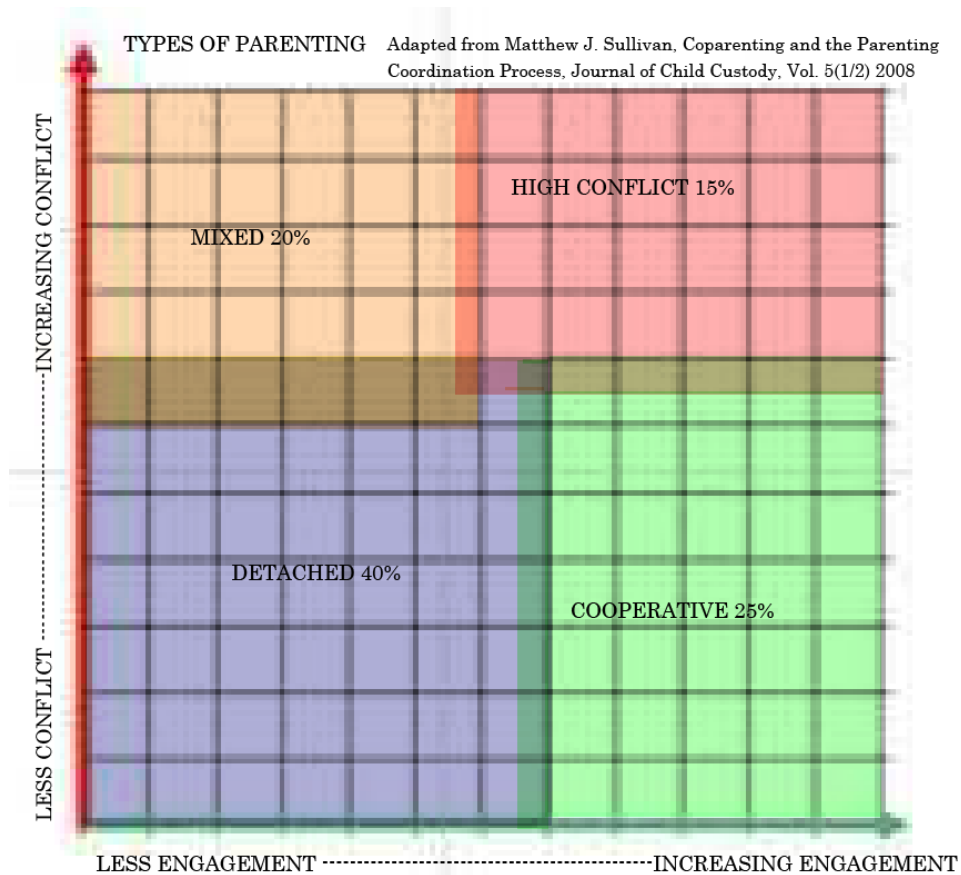
21. Coates et al., *supra* note 14, at 247–48.

22. Sullivan, *Coparenting*, *supra* note 8, at 6.

23. *Id.* at 8 (citations omitted).

24. *Id.*

The following, based upon this model, illustrates the four types of parenting:



The level of engagement (the horizontal axis) is defined by the degree of interaction that occurs between the parents; the level of conflict (the vertical axis) describes the quality of their interaction.<sup>25</sup>

Those families with little engagement and a low level of conflict are “detached” in their coparenting.<sup>26</sup> This detachment may reflect a prior pattern between the parents, or may be the result of roles, rules, and boundaries constructed to avoid interaction.<sup>27</sup> According to earlier research,

25. *Id.* at 8–9.

26. *Id.* at 10.

27. *See id.*

approximately 40 percent of postseparation parenting can be characterized as detached, with the parents engaged in “parallel parenting.”<sup>28</sup>

Those families with a high level of engagement but a low level of conflict are “cooperative” in their parenting.<sup>29</sup> These are parents who typically make agreements about their parenting, support each other as parents, and communicate, cooperate, and problem-solve effectively in raising their children.<sup>30</sup> Prior research has shown that approximately 25 percent of postdivorce parents are cooperative in their coparenting.<sup>31</sup>

Prior research has identified another 10 to 20 percent of coparenting as “mixed,” where there is little engagement but high conflict between parents.<sup>32</sup> These are parents who limit their interactions but disagree when they interact.<sup>33</sup> They may be separated by distance or otherwise have little contact with each other, but their interactions, are angry, argumentative, and unproductive when they do occur. They are sometimes termed “angry associates.”<sup>34</sup>

Parents who experience a high degree of engagement with each other and a high degree of conflict comprise the final 10 to 15 percent of coparents who are “high conflict.”<sup>35</sup>

Their high level of engagement might occur in the home, during face-to-face interactions, in verbal or written communications, or in a courtroom setting where they each go into great detail in the presence of each other about the misdeeds and perceived shortcomings of the other.<sup>36</sup>

High-conflict parents are often angry, communicate poorly, and have little ability to solve problems and make joint decisions on the most

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28. *Id.* at 9–10 tbl.1 “Parallel parenting” is a parenting style where each parent learns to parent their child effectively and separately, each doing their best job during their own time. Communication is limited to topics concerning the health, welfare and safety of the child, as well as emergency information. Each parent has independent relationships with the child’s schools, medical providers, coaches and friends. *See* PHILIP M. STAHL, *PARENTING AFTER DIVORCE: RESOLVING CONFLICTS AND MEETING YOUR CHILDREN’S NEEDS* 33–34 (2nd ed. 2007).

29. *Id.* at 8–9 tbl.1.

30. *Id.* at 8–9.

31. *Id.*

32. *Id.* at 10.

33. *Id.*

34. *Id.*

35. *Id.* at 9.

36. *See id.*

important—or least significant—of issues related to their children.<sup>37</sup> They are identified as repeat litigators in court on contempt actions and modifications, are well-known to court personnel, and utilize a disproportionate share of court time.<sup>38</sup> These are the high-conflict parents for whom parenting coordination was originated and has developed.<sup>39</sup> An overwhelming body of evidence shows that children are adversely affected by a high level of conflict between their parents.<sup>40</sup>

While cooperative coparenting would be an ideal arrangement for children and is typically envisioned as optimal for joint physical care as a custodial arrangement, research has shown that children function equally well where parents are detached from each other and can participate in parallel parenting.<sup>41</sup> It is the reduction of conflict that benefits children. Thus a primary purpose of parenting coordination is to provide parents with the tools, abilities, structures, and strategies to move out of the high-conflict area of the grid to one of the lower-conflict areas.<sup>42</sup>

#### IV. AUTHORITY FOR APPOINTMENT

A number of states have adopted statutes authorizing the appointment of a parenting coordinator under specified circumstances. Parenting coordination statutes across the United States vary in the title given the role, the definition of the role, the goals of the process, the requirements that must be met before parenting coordination is ordered, the qualifications of the provider of the services, and the requirements for reporting to the court.<sup>43</sup>

According to the Parenting Coordination Central website, 11 states currently have limited statutory authorization for the appointment of parenting coordinators: Colorado, Florida, Louisiana, Maine, Minnesota, North Carolina, Oklahoma, Oregon, South Dakota, Texas, and Vermont.<sup>44</sup>

In seven states, the appointment of a parenting coordinator is authorized through a related or nonspecific statute: Arizona, California,

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37. *Id.*

38. *See id.*

39. *Id.* at 5–6.

40. *Id.* at 9–10.

41. *See id.* at 10.

42. *Id.* at 10–11.

43. Leta S. Parks et al., *Defining Parenting Coordination with State Laws*, 49 FAM. CT. REV. 629, 629–30, 634–35 (2011).

44. PC Legislation, PARENTING COORDINATION CENT., [http://www.parentingcoordinationcentral.com/PC\\_Legislation.html](http://www.parentingcoordinationcentral.com/PC_Legislation.html) (last visited July 3, 2017).



Kansas, Kentucky, New Mexico, Ohio, and Wisconsin.<sup>45</sup>

Other jurisdictions have adopted court rules for the appointment of parenting coordinators, identifying the appropriate time for appointment of a parenting coordinator, the qualifications of a parenting coordinator, and the procedures to be utilized in the parenting coordination process. In Maryland and in Cook County, Illinois, the appointment of a parenting coordinator is authorized through a court rule.<sup>46</sup>

In the District of Columbia, parenting coordinators were initially appointed under a court rule authorizing special masters.<sup>47</sup> This authorization was criticized on various grounds, including that the work of a parenting coordinator did not fit precisely within the defined authority of a special master and that use of a parenting coordinator infringed upon a parent's fundamental interest in the care, custody, and management of children.<sup>48</sup> The District of Columbia Court of Appeals rejected these challenges in *Jordan v. Jordan*.<sup>49</sup>

In jurisdictions where parenting coordination is not authorized by statute or court rule—as is the case in Iowa—parenting coordinators may be appointed under the court's general equitable jurisdiction, the court's authority to enforce its own orders, or the court's authority to appoint extrajudicial assistants, such as a referee or special master.<sup>50</sup>

Where no specific authority exists by statute or court rule, some cautions are noted:

1. Decision-making authority granted to a parenting coordinator must be limited to ancillary issues that do not usurp the trial court's core function of determining custody and visitation.<sup>51</sup>
2. Appointment must be made with either the consent of the parties

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45. *Id.*

46. MD. CODE ANN., FAM. LAW. § 9-205.2(a) (West 2017); COOK CTY., ILL. CT. R. 13.10(a), <http://www.cookcountycourt.org/Manage/RulesoftheCourt/ReadRule/tabid/73/ArticleId/49/13-10-Parenting-Coordinator.aspx>.

47. D.C. Mun. Regs. Masters § 53(a) (2017).

48. *Jordan v. Jordan*, 14 A.3d 1136, 1151–59 (D.C. 2011).

49. *Id.*

50. Joi T. Montiel, *Out on a Limb: Appointing a Parenting Coordinator with Decision-Making Authority in the Absence of a Statute or Rule*, 53 FAM. CT. REV. 578, 579–81 (2015).

51. *Id.* at 582–83.

or a finding that the case is high conflict.<sup>52</sup>

3. The trial court must retain authority to review the decisions of the parenting coordinator, but the parenting coordinator's decision should be binding pending judicial review.<sup>53</sup>

In its May 2016 Report to the Iowa Supreme Court, the Family Law Case Processing Reform Task Force recommended that the Supreme Court “[p]romulgate a court rule for the appointment and use of parenting coordinators, including standards of practice.”<sup>54</sup>

## V. QUALIFICATIONS AND TRAINING

Parenting coordinators must be lawyers or mental health professionals.<sup>55</sup> They must be trained in family mediation.<sup>56</sup> They must receive additional training in parenting coordination, offered by the AFCC or similar groups utilizing AFCC standards.<sup>57</sup>

In addition, parenting coordinators should have “extensive practical experience in the profession with high conflict or litigating parents.”<sup>58</sup> They must “acquire and maintain professional competence in . . . parenting coordination.”<sup>59</sup> They must be able to identify patterns of domestic abuse and coercive control and be equipped to modify parenting coordination procedures to ensure the safety of all family members.<sup>60</sup>

The AFCC recommends that training for parenting coordinators include the following:

1. The Parenting Coordination Process;
2. Family Dynamics in Separation and Divorce;
3. Parenting Coordination Techniques and Issues;

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52. *Id.* 583–84.

53. *Id.* at 584.

54. REPORT OF THE IOWA SUPREME COURT FAMILY LAW CASE PROCESSING REFORM TASK FORCE 20 (2016), <http://www.iowacourts.gov/wfdata/frame10056-1382/File75.pdf>.

55. *Guidelines for Parenting Coordination*, *supra* note 1, at 166.

56. *Id.*

57. *Id.*

58. *Id.*

59. *Id.*

60. *Id.*

4. Court-Specific Parenting Coordination Procedures.<sup>61</sup>

## VI. ETHICAL STANDARDS

All ethical standards for the legal or mental health professional prescribed for that profession must be followed scrupulously by a parenting coordinator. These provisions would include any restrictions on advertising,<sup>62</sup> regulations regarding the collection and disbursement of fees,<sup>63</sup> prohibitions on intimate relationships,<sup>64</sup> and any other applicable rules.

Initially, parenting coordinators in some jurisdictions were appointed as special masters.<sup>65</sup> However, where rules of judicial conduct apply to special masters and prohibit ex parte communications, a basic function of parenting coordination—the ability to communicate freely—is foreclosed.<sup>66</sup>

The American Psychological Association has suggested guidelines for psychologists who serve as parenting coordinators.<sup>67</sup> In that role, psychologists are expected to follow the *APA Ethical Principles of Psychologists and Code of Conduct*.<sup>68</sup>

Parenting coordinators must be impartial in order to maintain the integrity of the process and to ensure that decisions are made fairly.<sup>69</sup>

A parenting coordinator should not serve simultaneous dual roles in the same case or serve in any manner or matter that presents a conflict of interest.<sup>70</sup> In certain limited circumstances, with the consent of the parents and the court's approval, a child's guardian ad litem who has represented the child's best interest might subsequently serve as a parenting coordinator, provided everyone involved agrees that there is no bias or conflict of interest.<sup>71</sup>

Similarly, once having served as a parenting coordinator, the legal or mental health professional should not serve as therapist, consultant, coach,

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61. *Id.* at 173–76.

62. *Id.* at 173.

63. *Id.* at 170.

64. *Id.* at 167.

65. Sullivan, *Parenting Coordination*, *supra* note 3, at 56–57.

66. Montiel, *supra* note 50, at 580–81.

67. *Guidelines for the Practice of Parenting Coordination*, *supra* note 2, *passim*.

68. *Id.* at 67.

69. *Id.*

70. *Id.*

71. *Id.* at 68.

or attorney for any parent or child involved.<sup>72</sup>

Because the roles of mediator and parenting coordinator are different in two significant ways, a mediator should not move into the role of a parenting coordinator in the same case or with any of the same parties. Mediation is a confidential process in which the mediator facilitates agreements but does not make decisions.<sup>73</sup> Parenting coordination is a nonconfidential process in which the parenting coordinator may have decision-making authority.<sup>74</sup> If the parents desire to retain the mediator to resolve future issues, extended mediation is a better choice, where the distinction between mediation and parenting coordination is clear. In extended mediation, all communications are confidential except for agreements, and the mediator does not make decisions on any substantive issue.<sup>75</sup> The content of the work done within sessions—collaboratively solving problems, identifying communication breakdowns, establishing boundaries, and developing a parenting plan—may be the same as in parenting coordination.

#### VII. ORDERS OF APPOINTMENT

An order appointing a parenting coordinator may be stipulated to by the parties or in some circumstances may be entered at the court's own discretion.<sup>76</sup> A best practice and safest way to avoid legal challenges to the appointment and the process is for the parties to agree on the appointment, scope of authority, and selection of the parenting coordinator prior to entry of the order. A court should only enter an order of appointment after it has made a final determination, either by stipulation or litigation, of the fundamental issues of custody and parenting time.<sup>77</sup>

Orders for parenting coordination must contain certain specific provisions. For example, a statement clearly defining the parenting coordinator's authority should be included:

The parenting coordinator may make decisions or resolve conflicts between the parents which do not affect the court's exclusive jurisdiction to determine fundamental issues of custody and parenting time. The parenting coordinator does *not* have the authority to change the custodial designation of legal and physical custody established in a

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72. *Id.*

73. Montiel, *supra* note 50, at 580–81.

74. *Guidelines for Parenting Coordination*, *supra* note 1, at 168.

75. Montiel, *supra* note 50, at 580–81.

76. Coates et al., *supra* note 14, at 251.

77. *Guidelines for Parenting Coordination*, *supra* note 1, at 165.

current order of the court. Modification of the temporary or permanent designation of the legal or physical custodial arrangement is reserved to the court. Further, the parenting coordinator shall *not* make any decisions or orders or resolve disputes that result in a substantial alteration or reconfiguration of the parents' time-sharing arrangements.<sup>78</sup>

Other provisions that should be included in any order appointing a parenting coordinator:<sup>79</sup>

1. The extent of the decision-making authority, if any, delegated to the parenting coordinator.
2. An acknowledgement by the parents that they are aware of their due process rights, if any decision-making authority is in fact delegated.
3. Any limits on the recommendations that may be made to a court by the parenting coordinator.
4. The term of the parenting coordinator's service and whether the appointment terminates on a specific date or continues indefinitely, and the conditions under which the parenting coordinator may terminate services
5. The types of communications the parenting coordinator may have with the parents, the children, and any other professionals involved in the case. Unlike a guardian ad litem, a parenting coordinator would need appropriate authorizations for release of information to communicate with schools, mental health professionals, and medical providers.
6. Whether, in the event of exigent or emergency circumstances that threaten the welfare of a child, the parenting coordinator is authorized to file an application seeking immediate court intervention.
7. The arrangement for the payment of fees: the hourly rate, the apportionment of fees between the parents, the amount of any retainer to be paid, whether fees can be paid from the retainer without a court order, whether fees can be charged for appointments that are missed, and whether fees can be assessed to

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78. See Coates et al., *supra* note 14, at 254–55 (explaining the importance of clearly delineating the parenting coordinator's role and inability to affect custodial matters).

79. See *id.* at 255–57.

one parent or the other for meetings requested by one parent.

8. A provision specifying that the court has jurisdiction to enforce the provisions of the order and specifying that the court has jurisdiction to make the final determination over any disputed issue arising from the parenting coordinator's decisions.

Parenting coordination orders may be subject to legal challenges, for example:

1. Delegation of judicial decision-making is not allowed without the consent of both parties. In most jurisdictions, therapists, parenting coordinators, or other nonjudicial personnel would lack authority to modify visitation or custody arrangements contained in divorce decree or to sanction a party for failure to abide by those unauthorized recommendations.<sup>80</sup>
2. A court's jurisdiction arguably terminates after a final order is entered absent the filing of a new proceeding to invoke the court's jurisdiction, such as contempt or modification.<sup>81</sup> Thus an order for ongoing involvement of a court-ordered parenting coordinator may be without jurisdiction.<sup>82</sup>
3. Delegation of decision-making authority to a nonparent over matters that are within the parents' discretion as a child's custodians may constitute infringement on the parents' fundamental rights to the care and custody of their child.<sup>83</sup>

#### VIII. A PARENTING COORDINATOR'S WORK

The nature of the work done in any parenting coordination case is determined first by the court's order.<sup>84</sup> Without the order (or in some circumstances, a contract voluntarily entered into between parents and the parenting coordinator), the lawyer or mental health professional is a stranger to the case and has no role. Accordingly, the first step for any parenting coordinator is to review the court order and determine the exact parameters of the work to be done.<sup>85</sup>

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80. *Id.* at 248–50 (explaining the extent of other third-party professionals' authority often determines the parenting coordinator's level of authority); *see, e.g., In re Marriage of Stephens*, 810 N.W.2d 523, 531 (Iowa Ct. App. 2012).

81. *Coates et al.*, *supra* note 14, at 250.

82. *Id.* at 50–51.

83. *Id.* at 251–52.

84. *Id.* at 247.

85. Sullivan, *Parenting Coordination*, *supra* note 3, at 59–60.

If a child is refusing contact with a parent, it is a good practice for the parenting coordinator to meet first with the favored parent. It may seem counterintuitive, as the rejected parent will be motivated to begin the process and to restore their rights and relationship with the estranged child.<sup>86</sup> However, meeting with the favored parent first encourages their engagement in the process.<sup>87</sup> Without that parent's investment and full participation, restoration of the relationship may be impossible.

If there is no refusal of contact by a child, it is valuable for the parenting coordinator to meet first with the child involved, unless the child is too young to communicate or the child has a therapist who believes that meeting with the parenting coordinator would be harmful to the child.<sup>88</sup> The purpose of this meeting with the child is to give the parenting coordinator the child's-eye view of the family and provide a clear message to the family that the primary focus of the work is to benefit the child.<sup>89</sup> The parent's only job is to get the child to the meeting and assure the child, in the presence of the parenting coordinator, that the child is free to talk about anything.<sup>90</sup> It is helpful to the parenting coordinator to have a mental image or photograph of the child, both to visualize whose life is most at stake and to remind the parents of whom they are working to benefit.

Another critical preliminary step is for parents to complete a detailed questionnaire to identify areas of domestic violence or coercive control which could impact the process.<sup>91</sup> Various tools are available from the American Bar Association, the Michigan Domestic Violence Screening Protocol for Mediators of Domestic Relations Conflicts, and other sources which can be adapted for use in the parenting coordination setting.<sup>92</sup>

If there are concerns about domestic violence or coercive control which would prevent open communication, meeting with parents separately is an

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86. See Matthew J. Sullivan & Joan B. Kelly, *Legal and Psychological Management of Cases with an Alienated Child*, 39 FAM. CT. REV. 299, 300–01 (2001).

87. See *id.*

88. *Guidelines for the Practice of Parenting Coordination*, *supra* note 2, at 65.

89. See *id.* at 64–65.

90. See Parks et al., *supra* note 43, at 636.

91. See *Guidelines for the Practice of Parenting Coordination*, *supra* note 2, at 67.

92. See, e.g., OFFICE OF DISPUTE RESOLUTION STATE COURT ADMIN. OFFICE MICH. SUPREME COURT, DOMESTIC VIOLENCE SCREENING PROTOCOL FOR MEDIATORS OF DOMESTIC RELATIONS CONFLICTS 28–36 app. 1 (2014), <http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/odr/Domestic%20Violence%20Screening%20Protocol.pdf> (providing a sample domestic violence screening questionnaire).

option to understand and accommodate the concerns of each parent.<sup>93</sup>

Joint parenting coordination meetings are preferred, as they get parents into the same room and on the same page.<sup>94</sup> Use of a round table—where all participants are equal and the parenting coordinator can be placed equidistant from the parents—can be a visual reminder of the parenting coordinator’s impartiality.

Prior to addressing any problems, one of the parenting coordinator’s most essential functions is to assess the family structure and dynamics in order to develop an understanding of the functioning of the parents and the family.<sup>95</sup> It is particularly essential to find the family’s strengths as the basis for future problem-solving.<sup>96</sup> Solutions will rarely come from the problems, but an “appreciative inquiry” or “positive family dynamics” approach can assist both the parenting coordinator and the family in identifying those positive aspects of their parenting, their shared past, shared values, and shared goals from which they can move forward to build positive relationships in the future.<sup>97</sup>

High-conflict parents who are participating in parenting coordination, by definition, are highly skilled in adversarial means of attempting to solve problems.<sup>98</sup> They are likely to have entrenched habits including arguing, one-upping, taking offense, blaming, taking win-lose positions, manipulating, and practicing other bad habits which undermine effective coparenting. Parents who have habitually used litigation to try to resolve family issues are likely to be stuck in an adversarial frame of mind and contentious family dynamic.<sup>99</sup> One task of a parenting coordinator is to reframe problem-solving from adversarial to collaborative.<sup>100</sup> If the parenting coordinator is viewed as yet another person to whom any argument may be made to secure a “win,” there is little prospect that parenting coordination will have a beneficial effect on the long-term progress of the family.<sup>101</sup> It is the responsibility of the parenting coordinator to provide the concept and structure of collaborative problem-solving and to educate and model for

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93. *Guidelines for Parenting Coordination*, *supra* note 1, at 171.

94. *Guidelines for the Practice of Parenting Coordination*, *supra* note 2, at 64–65.

95. Sullivan, *Coparenting*, *supra* note 8, at 11–12.

96. *Id.*

97. See Robin O. Belcher-Timme et al., *Exploring Best Practices in Parenting Coordination: A National Survey of Current Practices and Practitioners*, 51 *Fam. Ct. Rev.* 651, 661–62 (2013).

98. Sullivan, *Coparenting*, *supra* note 8, at 9.

99. *Id.* at 12.

100. *Id.* at 11.

101. *Id.* at 12–13.



parents that their interests are better served by solving problems together rather than fighting.

Other work done by parenting coordinators includes identifying communication breakdowns and developing guidelines for more effective communication.<sup>102</sup> This may be done by the parenting coordinator observing the communication patterns between the parents, by working line-by-line through hostile texts and emails, by examining how what one person says is not what the other hears, and by identifying the baggage or obstacles that interfere with clear communication.

Typically, parenting coordination will commence after there is already a court order for custody and parenting time.<sup>103</sup> These orders often lack specificity, and the vagueness of the order generates misunderstanding, confusion, disagreement and hard feelings between parents.<sup>104</sup> While developing a clear parenting plan in advance would be beneficial, it is often the lack of such a plan that results in the need for parenting coordination. Thus, the task of the parenting coordinator is to assist the parents in developing a parenting plan that is agreed upon and sufficiently precise that the parents and children have clear and mutual expectations.<sup>105</sup>

While cooperative parenting is ideal, parallel parenting, which reduces the conflict between parents, is equally beneficial to children.<sup>106</sup> One goal of parenting coordination can be to disengage conflicted coparents and create a parallel parenting plan.<sup>107</sup> Matthew Sullivan, Ph.D., suggested five elements of the process of disengagement:

- (1) moving the parents out of their engagement in the legal adversarial context; (2) establishing a new set of engagement rules in the parenting coordination context that support a parallel parenting model; (3) using the parenting plan to create structure to support parallel parenting; (4) inserting the parenting coordination process as the functional linkage between the parents for adequate information exchange; and (5) using the PC as a readily available, effective decision-making/dispute-resolution resource.<sup>108</sup>

A parallel parenting plan, developed by the parents with the assistance

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102. *Id.* at 14–15.

103. *Guidelines for the Practice of Parenting Coordination*, *supra* note 2, at 64.

104. Sullivan, *Coparenting*, *supra* note 8, at 15.

105. *Id.* at 15–16.

106. *Id.* at 10–12.

107. *Id.* at 11.

108. *Id.* at 12.

of the parenting coordinator, would start with an agreement on the shared values and goals of the family.<sup>109</sup> Where values and goals are not shared by both parents, the parenting coordinator would lead the inquiry into whether the difference in values and goals matters, and if so, how to handle the difference.<sup>110</sup> Having identified mutual interests, a parallel parenting plan would then identify areas in which communication is required, how communication will be carried out, which decisions require input from both parents, which decisions require consent of both parents, and which decisions can be made unilaterally by one parent or the other.<sup>111</sup> Additional areas of a parenting plan would be constructed by the parents and parenting coordinator to address any areas of past, present, or future concern to either parent.<sup>112</sup>

One aspect of high-conflict parenting is the absence of clear boundaries or the violation of each other's personal boundaries. A function of the parenting coordinator can be to assist the parents in setting reasonable boundaries, either as part of a parenting plan or independently.<sup>113</sup> Having a clear order for the parenting coordinator's appointment and allowing the parenting coordinator to observe the parties engaging in appropriate personal boundaries can create a model for the establishment of workable boundaries for the parents.

Another essential element of parenting coordination is educating parents about the developmental and changing needs of children, the effects on children of divorce or separation and of high conflict between parents, and other issues specific to the family.<sup>114</sup>

Compliance with existing parenting plans and with newly established guidelines for parenting is another essential part of parenting coordination.<sup>115</sup> Thus, having a written report, identifying what each person will do, and utilizing detailed assignments with ongoing follow-up from meeting to meeting is essential both to monitor progress and to assure that court orders and the new guidelines are understood and are being followed.<sup>116</sup>

Bill Eddy has observed that many high-conflict families include only

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109. Coates et al., *supra* note 14, at 258.

110. *See id.*

111. Sullivan, *Coparenting*, *supra* note 8, at 16–17.

112. *See id.* at 15–16.

113. Coates et al., *supra* note 14, at 254–55.

114. *See* Sullivan, *Coparenting*, *supra* note 8, at 9–10.

115. Coates et al., *supra* note 14, at 246, 257.

116. *See Guidelines for Parenting Coordination*, *supra* note 1, at 175.

one high conflict person, characterized by all-or-nothing thinking, unmanaged emotions, extreme behaviors, and routine blaming of others.<sup>117</sup> Their all-or-none thinking causes them to see conflicts in terms of one simple solution, making compromise and flexibility seem impossible to them.<sup>118</sup> Their blaming of others means that their focus becomes attacking others while lacking self-awareness and taking no responsibility for problems.<sup>119</sup>

This pattern of thinking and acting creates enormous challenges for a parenting coordinator to utilize a variety of strategies and be open to unorthodox approaches in attempting to lead the family into improved functioning.

#### IX. DOMESTIC VIOLENCE AND COERCIVE CONTROL

High-conflict cases may or may not involve domestic violence or coercive control. Initial screening and ongoing assessment for domestic violence and coercive control are both critical.<sup>120</sup>

Safety planning may be needed for parenting coordination meetings, such as different times of arrival and departure or meeting in separate caucuses rather than together in conference.<sup>121</sup>

Safety planning may be needed for parenting interactions at home for the safety of the children and for the safety of the parents.<sup>122</sup>

Parenting coordinators need to be aware of the dynamics between the parents: when a parent is threatening, when a parent is fearful, when a parent or child is in physical danger, or when some other form of coercive control is being exercised.<sup>123</sup>

The American Psychological Association's Guidelines recognize that parents with a history of intimate partner violence "may present substantial

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117. Bill Eddy, *Who Are High Conflict People?*, HIGH CONFLICT INST. (2012), <http://www.highconflictinstitute.com/who-are-high-conflict-people>. Bill Eddy is a lawyer, therapist, and mediator and is considered an international expert on dispute management. He is a co-founder and the president of the High Conflict Institute in San Diego, California.

118. *Id.*

119. *Id.*

120. *Guidelines for Parenting Coordination*, *supra* note 1, at 171.

121. *Id.*

122. *See id.*

123. *See Guidelines for the Practice of Parenting Coordination*, *supra* note 2, at 67 (noting that parenting coordinators consider "the emotional and physical safety of any children or parents who may have experienced, may be exposed to, or may be the target of threatened or actual abuse").

safety risks or power imbalances and may not be appropriate for parenting coordination.”<sup>124</sup> Those guidelines suggest that the scope of parenting coordination “may need to be significantly limited or modified in some cases” to ensure the safety of all family members, with a focus “on monitoring parties’ adherence to court orders and facilitating safe implementation of court orders and parenting plans.”<sup>125</sup>

#### X. RECOMMENDATIONS TO THE COURT

A parenting coordinator may be asked to make recommendations to the court on a variety of issues.

The areas in which recommendations may be made are prescribed by the statute or court rule and by the court order.<sup>126</sup> Typically, the areas in which recommendations may be made will be agreed upon by the parties and will be those areas in which they agree that a recommendation from a trained, neutral third party will be more beneficial than litigating the issue or simply advocating for each parent’s position.<sup>127</sup>

Some common types of changes parenting coordinators might recommend to the court may include:<sup>128</sup>

- Increases or decreases in vacation and holiday time of more than one week.
- Time share changes, including summer vacations, which increase or decrease the child’s time with either parent in excess of four overnights per month.
- Imposing supervision during the child’s contacts with the parent.
- Appointing an attorney for the child.
- Obtaining a child custody evaluation or reevaluation.
- Switching to a private or public school education.
- Participation by the parents, children, or both in physical examinations.

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124. *Id.*

125. *Id.*

126. *Guidelines for Parenting Coordination*, *supra* note 1, at 177.

127. Sullivan, *Coparenting*, *supra* note 8, at 18–19.

128. *See Guidelines for Parenting Coordination*, *supra* note 1, at 172 (providing general issues that a parenting coordinator may be asked to resolve).

- Participation by the parents, children, or both in psychological assessments, evaluations, and psychotherapy including selection of a therapist for the children when the parents cannot agree.
- Participation by parents, children, or both in alcohol and drug evaluation, monitoring, or testing.
- Other issues identified by the parties and parenting coordinator and specified in the parenting coordinator contract to be executed by the parties and the parenting coordinator.
- Any other issues the parents request be submitted by the parenting coordinator for recommendation.

The parenting coordinator should not make recommendations to the court about the basic legal or physical custody or other matters which are in the sole discretion of the court.<sup>129</sup>

#### XI. DECISION-MAKING AUTHORITY

Delegation of decision-making authority to a parenting coordinator is the most controversial aspect of parenting coordination. On the one hand, if the parenting coordinator has no authority to resolve disputes between parents, there may be no benefit to having a parenting coordinator as opposed to a family therapist or coparenting counselor.<sup>130</sup> On the other hand, granting decision-making authority to a parenting coordinator raises legal and ethical issues.<sup>131</sup>

Any decision-making authority granted to someone other than a judge carries constitutional implications. Due process requires that ultimate decisions about custody remain with the court.<sup>132</sup> Thus, any decision-making authority granted to a parenting coordinator must not invade the province of the court and must be limited to lesser issues, such as minor adjustments in parenting time.<sup>133</sup>

If the parenting coordinator is delegated decision-making authority, the Order of Appointment should include language such as this:

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129. *Id.*

130. *See* Montiel, *supra* note 50, at 579 (stating that scholars and practitioners argue that decision-making authority makes parenting coordination effective).

131. *See id.* at 578–79 (discussing examples of when appointment orders have been reversed).

132. *See id.*

133. *Id.* at 582–83.

The parties acknowledge that the authority to issue and enforce decrees, including decrees involving child custody and visitation, is an exclusively judicial function, and by agreeing to the provisions of this Order, the parties clearly and unambiguously consent to the delegation of certain limited judicial authority to the parenting coordinator, as specified below. The parties further acknowledge that they may have a constitutional right to judicial enforcement of a decree, and to the extent that the provisions of this order serve as a waiver of that constitutional right, the parties acknowledge that they do so voluntarily, knowingly, and intelligently.<sup>134</sup>

Types of decisions that might be delegated to a parenting coordinator:<sup>135</sup>

- Date, time, designated person, location, and method of pick-up and delivery.
- Reorganization of school vacation, holiday time, or both resulting in increases or decreases of one week or less.
- Modification of schedule by not more than four nights per month including, but not limited to, modifications when developmentally appropriate for children under the age of six.
- Care providers for child.
- Child rearing disputes, including but not limited to bedtime, diet, clothing, homework, and discipline.
- After-school and enrichment activities.
- Scheduling disputes arising from after-school, enrichment, athletic, and other activities.
- Health care management.
- Participation of others in children's time with each parent (significant others, relatives, etc.).

Granting decision-making authority to a third party may diminish the legal custodial rights and responsibilities of a parent who has legal custody or physical care of a child. In Iowa, where physical care has been awarded to only one parent, that parent as primary caretaker has the sole responsibility to maintain the child's home and make decisions regarding the child's

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134. This is language the Author created for use in a standard stipulation or order.

135. *Guidelines for Parenting Coordination*, *supra* note 1, at 172 (providing general issues that a parenting coordinator may be asked to resolve).

routine care.<sup>136</sup> The parent assigned the task of physical care “has the right to determine the myriad of details associated with routine living, including such things as what clothes the children wear, when they go to bed, with whom they associate or date, etc.”<sup>137</sup> It would be an improper encroachment on parental rights for a parenting coordinator to be authorized to make decisions that are solely within the parent’s province as the child’s primary caretaker.

In addition, when the parenting coordinator serves an adjudicatory function and makes a decision between two parents, the neutrality of the parenting coordinator for that and future issues is imperiled.<sup>138</sup> The “losing” parent may no longer trust the process or be willing to engage in it.

Finally, any decision-making process utilized by a parenting coordinator must meet standards of fairness and due process and should be completely set out in the order appointing the parenting coordinator, including how issues are presented, how each parent’s position and evidence can be presented, how much time is allowed to each parent and to the parenting coordinator, how decisions are communicated to parents, when decisions become effective, and the procedure for judicial review of parenting coordinator decisions.<sup>139</sup>

## XII. EFFECTIVENESS OF PARENTING COORDINATION

Although the practice of parenting coordination has expanded since its inception, little formal research has been conducted to assess its effectiveness.<sup>140</sup> One factor in evaluating the effectiveness of parenting coordination is quantitative: whether courts have seen a decrease in the number of court appearances and in the use of court resources by high conflict parents.

Early data gathered in California showed that in the year prior to the appointment of a parenting coordinator, 166 cases had 993 court appearances, and those same 166 cases had 37 court appearances in the year following the appointment.<sup>141</sup> A subsequent survey “found that the majority of parents working with a parenting coordinator reported being satisfied and experiencing decreased conflict with the other parent.”<sup>142</sup>

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136. *In re Marriage of Hansen*, 733 N.W.2d 683, 691 (Iowa 2007).

137. *Id.*

138. Coates et al., *supra* note 14, at 254–55.

139. *See id.*

140. *Id.* at 247.

141. *Id.*

142. *Id.*

In 2008, a statewide survey was conducted in Florida to determine whether parenting coordination yielded benefits to high-conflict families in the development of coparenting skills.<sup>143</sup>

Their research showed that the most common interventions used by both legal professionals and mental health professionals were educating parents about the harm to children of high conflict, facilitating resolution of issues on which parents are unable to agree, teaching parents about win-win agreements, teaching parents to treat their relationships as coparents as they would with coworkers, facilitating agreements to change parenting plans to reduce conflict, teaching parents good email manners, and being in contact with the attorneys.<sup>144</sup> The parenting coordinators surveyed generally believed that their work with families had led to beneficial outcomes in the majority of cases.<sup>145</sup>

Another area of inquiry is research to determine which types of interventions by parenting coordinators seem to be effective in reducing the conflict between coparents.

Robin O. Belcher-Timme, Hal S. Shorey, Zoe Belcher-Timme, and Elisabeth N. Gibbins conducted a national survey of 79 parenting coordinators to determine which of three general parenting coordinator functions were preferred by parenting coordinators: (1) the assessment and conceptualization function, characterized by identifying strengths and weaknesses of parents and considering the needs of the children; (2) the educational function, which involves providing information to parents regarding children's needs and the effects on children of conflict and teaching parents improved communication skills; and (3) the case and conflict management function, including cooperation with other professionals, interpreting court orders, and acting as an objective, neutral party to facilitate communication.<sup>146</sup>

Their conclusions included:

1. Assessing the parenting skills of the parents, their ability to coparent, and the evaluation of the developmental needs of children were all seen as highly effective in the eventual resolution of conflict.<sup>147</sup>

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143. Linda Fieldstone et al., *Training, Skills, and Practices of Parenting Coordinators: Florida Statewide Study*, 49 FAM. CT. REV. 801, 805 (2011).

144. *Id.* at 809–10.

145. *Id.* at 812.

146. Belcher-Timme et al., *supra* note 97, at 660–62.

147. *Id.* at 660.



2. Informing parents about the developmental needs of children, teaching parents effective communication skills, and providing information on the effects of high parental conflict on children were all found to be generally effective interventions by parenting coordinators.<sup>148</sup>
3. Highlighting the parenting coordinator's function as an objective third party was found to be the most effective intervention. The parenting coordinator's interpreting of court orders and legal documents was also deemed to be highly effective.<sup>149</sup>

Recognition of these conclusions can aid parenting coordinators in improving their approach to parenting coordination by emphasizing the strategies that have been found to be most effective in resolving high-conflict cases.

In May of 2010, Family Court Services of the 11th Judicial Circuit in Miami-Dade County, Florida, conducted a survey of judges, attorneys and parenting coordinators to assess the effectiveness of that county's parenting coordination program.<sup>150</sup> The survey found that judges and attorneys had divergent expectations about the role of a parenting coordinator.<sup>151</sup> Judges were more likely to expect that parenting coordinators would do the following: (1) reduce parental conflict,<sup>152</sup> (2) provide recommendations to the court,<sup>153</sup> and (3) refer parties to community providers when necessary.<sup>154</sup> On the other hand, attorneys were more likely to expect that parenting coordinators would provide recommendations to the parties.<sup>155</sup>

Judges and lawyers surveyed both favored recommending the parenting coordination process to others.<sup>156</sup> Their findings are summarized

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148. *Id.* at 654 tbl.1, 660–61.

149. *Id.* at 661.

150. Linda Fieldstone et al., *Perspectives on Parenting Coordination: Views of Parenting Coordinators, Attorneys, and Judiciary Members*, 50 FAM. CT. REV. 441, 442–43 (2012) [hereinafter Fieldstone et al., *Perspectives*].

151. *Id.* at 445 & tbl.1.

152. *Id.* (noting 94 percent of judges and 84 percent of attorneys expected parenting coordinators would reduce parental conflict).

153. *Id.* (noting 71 percent of judges and 61 percent of attorneys expected parenting coordinators would provide recommendations to the court).

154. *Id.* (noting 71 percent of judges and 63 percent of attorneys expected parenting coordinators would refer parties to community providers when necessary).

155. *Id.* (noting 82 percent of attorneys and 77 percent of judges expected parenting coordinators would provide recommendations).

156. *Id.* at 448.

below.<sup>157</sup>

#### Perceptions Concerning Efficacy of Parenting Coordination

	<i>Judge</i>	<i>Attorney</i>	<i>PC</i>
Does parenting coordination move cases quicker through court?	Yes (47%) Noticed no difference (29%) Do not know (18%)	Yes (43%) Noticed no difference (35%) Do not know (11%)	Yes (67%) Noticed no difference (11%) Do not know (17%)
Is the PC helpful overall? Why?	Yes (94%); provided pertinent information (75%*), fewer requests for crisis assistance (69%*)	Yes (93%); fewer requests for crisis assistance (70%), attorney able to deal more with legal issues (47%*)	N/A
Clients' perceptions of helpfulness of process?	Moderately helpful (65%) Very helpful (30%)	A little helpful (16%) Moderately helpful (35%) Very helpful (37%)	Moderately helpful (62.5%) Very helpful (37.5%)
Conflict level after parenting coordination?	Somewhat reduced (71%) Significantly reduced (18%)	Unchanged (19%) Somewhat reduced (61%) Significantly reduced (19%)	N/A
How beneficial is the process to children?	Somewhat beneficial (35%) Clearly beneficial (30%) Do not know (30%)	Somewhat beneficial (42%) Clearly beneficial (28%) Do not know (18%)	Somewhat beneficial (31%) Clearly beneficial (56%) Do not know (13%)
Is parenting coordination helpful?	Yes (94%)	Yes (92%)	Yes (100%)
Why is parenting coordination helpful?	Reduced parental conflict (88%*) Assisted time-sharing process (64%*) Increased parental communication (59%*) Improved joint decision-making (59%*)	Reduced parental conflict (77%*) Assisted time-sharing process (46%*) Increased parental communication (60%*) Improved joint decision-making (44%*)	Reduced parental conflict (73%*) Assisted time-sharing process (40%*) Increased parental communication (67%*) Improved joint decision-making (47%*)

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“Parenting coordination may not be effective in cases in which a parent chronically refuses to follow court orders or has severe personality disorders, mental illness, or substance abuse.”<sup>159</sup> In those situations, the parenting coordinator may be limited to arbitrating parenting disputes when mediation, education, and coaching have not been effective.<sup>160</sup>

### XIII. QUASI-JUDICIAL IMMUNITY

Iowa Code § 602.6602, “Referees and special masters,” provides the following: “A person who is appointed as a referee or special master, or who otherwise is appointed by a court pursuant to law or court rule to exercise a

157. *Id.* at 449.

158. Fieldstone et al., *Perspectives*, *supra* note 150, at 449.

159. Coates et al., *supra* note 14, at 252.

160. *Id.*

judicial function, is subject to the supervision of the judicial officer making the appointment.”<sup>161</sup>

Parenting coordinators are thus subject to the supervision of the court pursuant to that section and have quasi-judicial immunity.<sup>162</sup> This means that parenting coordinators cannot be sued based on their actions in the matter in which they are appointed.<sup>163</sup>

As a part of any stipulation or order for parenting coordination, the following language should be included:<sup>164</sup>

The parties, by agreeing to the terms of this order, waive any and all claims of liability involving the parenting coordinator based upon any act or omission of the parenting coordinator during the discharge of duties performed in good faith and the act or omission does not constitute a knowing violation of the law. This provision relieves the parenting coordinator of any liability for in-court testimony.

#### XIV. FEES

Provision for parenting coordination fees should be specified in the order appointing the parenting coordinator.

If fees were to be apportioned by the parenting coordinator, neutrality of the parenting coordinator would be compromised by implying that the he or she is finding fault with one parent or the other.<sup>165</sup> It might be unfair to a lower-income parent if costs are equally divided. On the other hand, it might be unfair to require one parent to pay disproportionate costs if the other parent generates more controversy and increases the costs in order to harass the other.<sup>166</sup>

A parenting coordinator who has acted outside the scope of the appointment order may expect the request for fees to be challenged.

#### XV. OTHER ROLES OF PARENTING COORDINATORS

Because of the specialized education and experience of parenting coordinators, other roles might be served by trained parenting coordinators

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161. IOWA CODE ANN. § 602.6602 (West 2017).

162. *See id.*

163. Coates et al., *supra* note 14, at 256.

164. *See id.* at 256–57 (suggesting the inclusion of a provision providing for quasi-judicial immunity).

165. *See Guidelines for Parenting Coordination, supra* note 1, at 177.

166. *See Id.* at 170.

outside the formal role of a parenting coordinator:<sup>167</sup>

- Assisting parents in the development of parenting plans before final case disposition;
- Assessing the feasibility of joint, shared, split, or other physical custody arrangements the parties may prefer and for which the court seeks independent recommendation prior to approval;
- Evaluating the existence of “parental alienation” where a child refuses contact with a parent;
- Serving as an arbitrator or special master on a specific issue delegated by the court;
- Engaging in extended mediation with confidentiality and no decision-making authority;
- Providing coparenting counseling by a mental health professional;
- Offering reunification counseling by a mental health professional where a court has made a finding of “parental alienation”;
- Referring parties to other available resources, such as “After the Storm,” the High Conflict Institute, parenting classes, other forms of alternative dispute resolution, substance abuse and codependency treatment programs and 12-step programs, books, videos, and websites related to communication, boundaries, trauma, attachment, parenting, divorce, step-parenting and other issues encountered by families in transition.

#### XVI. FINAL THOUGHTS

“Families come in struggling, in pain and anger, in conflict. Helping them discover their strengths and remember their shared values and goals, guiding them in developing insight and new skills and watching them move toward growth, healing and even forgiveness—that is the most rewarding, best thing I do as a lawyer.”—Diane L. Dornburg

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167. *Id.* at 173–76 App. A (recommending various trainings for parenting coordinators).