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## Alternatives to Court: Parenting Coordination

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July 4, 2019 (2019-07-04T09:52:53-06:00) By John-Paul Boyd (Posts by John-Paul Boyd)



This is the last column in LawNow's series on resolving family law disputes out of court. The other columns in this series include Sarah Dargatz's articles on collaborative negotiation and mediation, and my article on arbitration. In this column, I'm going to talk about parenting coordination. This is a child-centred process that combines elements of both mediation and arbitration and is used to resolve disagreements between

separated parents about their children.

Parenting coordination was developed in California in the 1980s in response to certain family law cases that seemed to be in court all the time, even after they had gone through trial. The people involved in these cases were making applications to adjust the parenting arrangements for their children several times each year, at a huge expense to them and a huge expense to the court. A number of people working in the justice system came up with the idea of taking these conflicts out of the court system and having them resolved privately by a lawyer or a mental health professional, like a social worker or a psychologist, working directly with the parents.

The idea turned out to be a success, and parenting coordination began to spread through the United States and Canada. Today, parenting coordination is very well established in this country. Groups of professionals providing parenting coordination services exist in British Columbia, Alberta, Ontario and Nova Scotia.

Parenting coordination is for people who already have a parenting plan in place, whether the parenting plan is in the form of a separation

**One of the key goals of parenting coordination is to help parents get**

agreement or a court order. The parenting coordinator's basic job is to help people implement their parenting plan and resolve disagreements about their parenting plan as they come up.

**a final resolution to parenting problems as they come up, and save the time, expense and anxiety involved in going back to court.**

Parenting coordination does not help people with temporary, or "interim," parenting plans because of the potential for the work of the parenting coordinator to interfere with the decisions the court may make, and for the decisions of the court to interfere with the work of the parenting coordinator. Parenting coordination is independent of court processes and helps with final parenting plans only.

Parenting coordinators can be lawyers who have special training in certain aspects of psychology, including communication skills, childhood developmental psychology and high-conflict personalities. They can also be mental health professionals who have special training in certain aspects of the law, including family law, mediation and arbitration. The type of professional who will work best for a family depends on the sort of disagreements the parents usually have, and the reasons behind those disagreements.

A parenting coordinator can be hired as a result of an agreement between the parents or because of a court order that the parents agree to, called a consent order. In British Columbia, the court can order people to hire a parenting coordinator whether they agree to use the parenting coordinator or not.

The parenting coordinator will prepare a participation agreement that outlines:

- the parenting coordinator's rates;
- the responsibilities of the parents;
- the responsibilities of the parenting coordinator; and
- the parenting coordination process.

Most importantly, the agreement describes the scope of the parenting coordinator's authority. Parenting coordinators are *not* able to help with issues about child support, spousal support or the division of property and debt. They also *cannot* make fundamental changes to children's living arrangements, like changing the home where the child usually lives or making permanent changes in children's parenting schedules.

Parenting coordinators *can* help with common issues like:

- deciding where the children go to school;
- deciding in which activities the children will participate;
- making temporary adjustments to parenting schedules;
- addressing communication problems between the parents or between a parent and a child;
- dealing with problems about the children's health care; and
- dealing with problems about the exchange of the children between the parents and parents who are late for or miss their time with the children.

After the parents and the parenting coordinator sign the participation agreement, either parent can bring a problem to the parenting coordinator. The parenting coordinator will first work with the parents to try to solve the problem with their agreement, using a process that's a lot like mediation. If the parents can't reach agreement, however, the parenting coordinator has the authority to make a decision resolving the problem, using a process that's a lot like arbitration. Parenting coordinators usually also have the authority to make decisions when a problem is urgent and there isn't the time to work with the parents to find a solution to the problem by agreement.

**Parenting coordination is for people who already have a parenting plan in place, whether the parenting plan is in the form of a separation agreement or a court order.**

Parenting coordinators' ability to make decisions is especially important. If a parenting coordinator doesn't have the authority to make a decision when the parents cannot agree, the process isn't parenting coordination. One of the key goals of parenting coordination is to help parents get a final resolution to parenting

problems as they come up, and save the time, expense and anxiety involved in going back to court. If the parents can't reach an agreement and the professional helping the parents resolve disagreements about their parenting plan can't or won't make decisions, then the professional is a mediator, not a parenting coordinator.

Although parents have to pay for their parenting coordinator's services, parenting coordination done right is almost always cheaper than making applications to court. It also resolves disagreements a lot more quickly than is normally possible in court, which can be very important when critical parenting decisions need to be made on short deadlines.

Parenting coordinators do more than just help people implement their parenting plan

and resolve disagreements about their parenting plan. They also work with each parent to improve their communication skills, learn to put the best interests of their children first, and develop the necessary skills to resolve disagreements on their own. As a parenting coordinator, I always see my job as helping people to learn to work together so that they no longer need me! Yes, I resolve parenting problems, but what I really want to do is to get my clients to the point where they can manage future problems without my help.

To learn more about parenting coordination, visit the website of the Association of Family and Conciliation Courts, an international organization based in the United States that has been at the forefront of developing parenting coordination. You can also read some of the research on parenting coordination practice in Canada conducted by the Canadian Research Institute for Law and the Family.

Filed Under: Family Law

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