Parenting Coordinators

House Standing Committee
Budget & Revenue Subcommittee
On Public Safety & Judiciary
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1. Jefferson Family Court Rule 705
2. Excerpts from ICM Report

JFRP 705 Parenting Coordinator

Uniform Rules of Court Practice and Procedures of the Jefferson Circuit Court, Family Division

3. The parties shall have the affirmative duty to contact the court's secretary and remand any pending hearings concerning resolved issues.

I. **Confidentiality**

1. Mediation proceedings shall be held in private and all communications, verbal or written, made in the proceedings shall be confidential. The same protection shall be given to communications between the parties in the presence of the mediator. and to all communications, verbal or written, with the Jefferson Family Court Administrator or designee. The only exception to this Rule is that the mediator shall be responsible for reporting abuse according to KRS 209.030, KRS 209A.030 and KRS 620.030.
2. All conduct and communications made during a mediation conference shall be treated as settlement negotiations and shall be governed by K.R.E. 408.
3. Mediators shall not be subpoenaed regarding the disclosure of any matter discussed during the mediation which is considered confidential. This privilege and immunity resides with the mediator and may not be waived by the parties.

705 Parenting Coordinator

The purpose of the Parenting Coordinator is to provide parents in high conflict an alternative to litigation and expensive, divisive court battles, and to make decisions or recommendations that are in the best interest of the children. A high conflict family requires assistance in resolving persistent conflicts. The Court may appoint a Parenting Coordinator when mediation is unsuccessful or inappropriate due to domestic violence.

A. **Role of Parenting Coordinator**

The Parenting Coordinator shall facilitate parents in making and implementing joint decisions in the best interest of their minor children and, when agreed to by the parties, make decisions, with the exception of custody or primary residence, on behalf of families.

The Parenting Coordinator may do the following:

1. Revise the parenting schedule or conditions (other than a court-ordered requirement of supervision), telephone, or any other type of contact;
2. Recommend orders regarding exchange and/or transportation of the child, including specifying time and place of exchange;
3. Change education, daycare, and/or extracurricular activities for the child;
4. Require a parent to submit or produce a child to submit to a substance abuse screen, psychological or custody evaluation, and provide release for reports or results.
5. Recommend more specific orders to facilitate implementation;
6. Change the times for religious observances and training by the child; and
7. Address other issues raised by the parties.

B. **Decisions by a Parenting Coordinator**

The parties may agree to work with a Parenting Coordinator by signing an Agreed Order, and they shall comply with the decisions of the Parenting Coordinator if those decisions are permitted under the Agreed Order.

C. **Recommendations by a Parenting Coordinator**

If the parties do not agree to work with a Parenting Coordinator, the Court may order the parties to a Parenting Coordinator who will make written recommendations (not decisions) to the Court. The Court will consider the Parenting Coordinator's report and other evidence at a hearing when making its decisions.

D. **Parenting Coordinator Qualifications**

1. The Parenting Coordinator shall have (a) either a minimum of a master's degree in psychology or social work, or (b) forty (40) hours of training in mediations, and (c) either five (5) years experience in mediation or five (5) years experience in family therapy; <u>OR</u>
2. The Parenting Coordinator shall have (a) a minimum of five (5) years practicing family law as an attorney with concentration of at least fifty percent (50%) of his/her practice in family law, <u>and</u> (b) forty (40) hours of training in mediation, <u>and</u> (c) either five (5) years experience in mediation <u>or</u> five (5) years negotiating conflict and achieving parenting plans.
3. The Jefferson Family Court term shall decide who is qualified to serve as a Parenting Coordinator.

E. **Parenting Coordinator Cost**

1. **By Agreed Order:**
The parties shall agree what share each will pay of the hourly fee set by the Parenting Coordinator.
2. **By Court Order:**
If the Court appoints a Parenting Coordinator to make recommendations to the Court, the parties shall pay the Parenting Coordinator's hourly fee as allocated by the Court.

RULE 8 STATUS

There are no local rules pertaining to Status cases.

RULE 9 MISCELLANEOUS

901 Identification of Counsel or Party Required

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number and e-mail address of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this Rule or CR 11.

Conclusions and Recommendations
(p. 91-107) from:

Ergun,S.. *Evaluating Parenting Coordination: Does it Really Work*, Institute for Court Management, ICM Fellows. Program, 2016.

Conclusions and Recommendations

The purpose of this project was to gather empirical evidence as to whether parenting coordination works in reducing litigation and parental conflict since the process has not been fully validated as an effective dispute resolution and conflict reduction mechanism. The aim was to learn how parenting coordination has been conducted in this jurisdiction to establish a baseline of the effectiveness of parenting coordination before regulation, when parenting coordination was handled privately between parents, attorneys and parenting coordinators. This was to provide a basis to improve and expand the Court's parenting coordination program, if warranted. The objective was also to add to the limited empirical data available about this innovative but not well-known process to help guide family law professionals and other courts considering utilizing parenting coordination.

It is important to recognize that parenting coordination in this jurisdiction is in its infancy. These results are affected by the multiplicity of ways appointments took place, the practice has been conducted, and the level of experience of coordinators, as well as by the small sample size. It is impossible to make generalizations about the general efficacy of parenting coordination under these irregular conditions. Once parenting coordination is more established and variables such as appointment protocols, the rate charged, the background and experience of the coordinator, the duration of the appointment, and the delivery of services, become more standardized and uniform, a follow up study should take place to more authoritatively isolate the parenting coordination process as the influencing factor.

It is also important to remember that some of the concerns and impediments about the practice raised in the literature and by survey participants have already been remedied by state rules that now govern parenting coordinator appointments.

CONCLUSION 1: PARENTING COORDINATION SEEMS TO BE VERY EFFECTIVE IN REDUCING LITIGATION.

There was a strong association between parenting coordination and less litigation. Litigation declined dramatically after the appointment of a parenting coordinator. It continued unabated and even increased in high conflict cases not using this intervention. These results confirm similar findings in the other studies that have examined court usage following a parenting coordinator appointment. Notwithstanding, parenting coordination does not seem to work in reducing litigation for everyone. Court usage did not decline in every case with a coordinator.

Despite ostensibly impressive results, it is important to remember that parents can stop litigating for reasons that may have nothing to do with parenting coordination. One-third of the parents in the high conflict control group ceased coming to court or litigated less aggressively, without the help of a coordinator. Also, the survey results indicated parenting coordination terminated for half of the parents in the sample, in many instances due to cost and lack of progress, but the decline in court usage in the parenting coordination cases, suggests these parents did not necessarily continue to litigate. This is an indication that other factors may be responsible for high conflict parents not returning to court.

As an example, the litigation that gives rise to the appointment of a coordinator tends to be extremely expensive. Attorney fees may be thousands of dollars and it is common for parents to stay on payment plans for years. With this much debt, parents may avoid using the coordinator and returning to court, although the level of conflict may remain undiminished. Parents may also stop litigating because one or both have given up the fight, and accepted the court's judgment especially if it comes after a trial. A formal adjudication of rights and responsibilities can be sobering; the event itself may dampen the desire to come back.

Alternatively, parents may have completely disengaged (no communication, no conflict) or shifted toward a parallel (low communication but low conflict) parenting model on their own.[50] It is also possible their hostility has simply subsided with the passing of time, and they have transitioned into a less conflicted co-parenting relationship as most parents eventually do.

Additional research is needed that tracks individual cases closely to pinpoint the precise reasons parents stop litigating. Until then, caution is urged in crediting parenting coordination exclusively with reduced litigation.

Recommendation 1.1: Cases in which parenting coordinators have been appointed should be closely followed to determine if litigation decreases and to identify if any decrease is attributable to parenting coordination or some other variable.

CONCLUSION 2: PARENTING COORDINATION RESOLVES DISPUTES AND PREVENTS PARENTAL CONFLICT FROM ESCALATING INTO "LEGAL" CONFLICT BUT DOES NOT NECESSARILY IMPROVE THE CO-PARENTING RELATIONSHIP.

Parenting coordination does not decrease *disagreements* between parents but does resolve their disputes. Whether it reduces *conflict* depends upon the perspective of the participant group. Professionals are more likely to see a conflict reduction than parents are. These disparate views are consistent with previous research findings (Lally & Higuchi, 2008). The explanation may be that the groups define conflict differently. Attorneys and parenting coordinators may equate reduced litigation with reduced conflict. Parents who are hostile to each other and continue to actively disagree about parenting issues and require the help of a professional may interpret this as no change in the conflict level.

What parenting coordination does seem to do is manage disputes so they do not intensify and escalate into the destructive "legal" conflict that put children in the crossfire. Parenting coordination seems to function as a safety valve to relieve the pressure. Antagonistic parents

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[50] See Sullivan (2008) for a discussion of parallel parenting, and disengagement.

have someone to present their concerns to who can "nip the problem in the bud." If disputes are resolved quickly, the parents stay out of court and avoid the heightened oppositional behavior and hostility engendered by the adversarial court process. In this way, parenting coordination may be considered very effective in reducing the elevated levels of conflict that have become the norm in the case. If conflict is contained and children are spared from being drawn into this especially damaging type of conflict only, it can still be said to be a "win-win" for children, parents, and courts.

Even so, parenting coordination does not necessarily transform the parenting relationship from dysfunctional to cooperative. Coordinators believe parenting coordination has a positive impact on improving communication and the ability to work with the other parent. But parents, whose opinions matter the most, view it as largely ineffective. These results echo research that has found differences in perceptions between professionals and parents, and a lack of significant changes in the ability to work cooperatively after participating in parenting coordination (Vick & Backerman, 1996; Lally & Higuchi, 2008; Kelly & Higuchi, 2014; Carter & Lally, 2014).

These results lend support to Sullivan's (2008) proposition that legal and mental health professionals should shift their focus from interventions designed to assist conflicted parents to become cooperative, toward interventions that allow them simply to disengage. Some parents will never change their attitude toward the other parent. In his view, focusing on achieving cooperation tends to keep the level of conflict high because these parents are unable to resist the pull to engage in conflict and are functionally unable to parent cooperatively. He believes parenting coordination should embrace a parallel parenting model[51] that keeps the conflict low by reducing the interaction and level of engagement, but still works to the advantage of children

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[51] Parallel parenting is a style that where parents who do not have the skills to interact, parent "next to each other" rather than together.

since those living in this model seem to adjust as well as children raised in a cooperative co-parenting model.

Better comprehension of what parenting coordination can accomplish for a particular family is important in deciding whether to appoint a parenting coordinator. Professionals should be aware that an appointment might still be worthwhile even if parents will never become allies. Ideally, parents will learn how to parent cooperatively. If not, there seems still to be benefit in providing authoritative decision-making and an interface through which parents can communicate that allows the parents to move on, even if it is only to the next dispute.

Recommendation 2.1: Family law professionals should share a realistic view of what the parenting coordination process can accomplish given the nature of the parents' relationship and willingness and capacity to cooperate.

CONCLUSION 3: PARENTS LACK UNDERSTANDING ABOUT THE PROPER ROLE OF A PARENTING COORDINATOR.

Parents do not seem to understand the role of a parenting coordinator before the process begins, although they think they do. As a result, they may have unrealistic expectations that lead to frustration with the process.

How the process works and what a parenting coordinator can and cannot do should be thoroughly explained to parents. The value in sticking with the process – an enhanced quality of life for the family – should be explained so they have a better understanding of what parenting coordination can achieve and the length of time that will be needed to make progress.

Explanations should come directly from the Court to ensure that the process is thoroughly and uniformly explained to all parents. Brochures and literature should be provided early in the court process. At a minimum, information can be provided on the court website. Explanations coming from the court also have the benefit of providing an indicia of authority to the coordinator. Parents may not respect a private practitioner providing services away from the

courthouse the same way they do a judicial officer in a courtroom and may believe that coordinators can be ignored. Judges and magistrates should consider introducing the coordinator to parents while they are at court to aid in the transition.

Recommendation 3.1: The Court should ensure that parents are fully informed about the parenting coordination process and provide parents with standardized comprehensive information about parenting coordination.

CONCLUSION 4: PARENTING COORDINATORS WOULD BENEFIT FROM LEARNING OPPORTUNITIES TAILORED FOR THE PARENTING COORDINATOR ROLE.

Because parenting coordination is a new role, many who have begun the practice do not have a great deal of experience with it. Although the pre-service education and training is considerable, and three hours per calendar year of continuing education relating to children for lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events approved by the Dispute Resolution Section of the Supreme Court are required, there are no continuing education courses designed exclusively for parenting coordinators, as yet.

Intensive skills training is needed as new coordinators acquire experience and to bridge the gap between professional backgrounds. Parenting coordinators require enormous expertise. As an example, those who are not mental health professionals may need skills training on techniques to manage and motivate high conflict parents. Parenting coordinators who are not mediators may need training on active listening, questioning and clarifying, defining points of agreement and disputes, and generating options. Parenting coordinators who are not attorneys may need skills on how to construct a credible decision. They may also need education on aspects of domestic relations law, legal issues that relate to interpretation of a parenting order,

and the concept of procedural due process. This goes beyond what is covered in the two-day parenting coordination pre-service training offered by the Ohio Supreme Court.

Information specific to parenting coordinators can be provided in many ways. The Ohio Judicial College could develop a continuing education curriculum. Continuing education could be offered by the Court's parenting coordination program director, the family law section of the bar association, and the Ohio Chapter of the AFCC. The Court could work with the mental health community to develop such courses. Particularly useful would be regular meetings such as monthly or quarterly "lunch and learns." This would allow coordinators to form a network to ask questions and share experiences. Coordinators could also take advantage of the AFCC national parenting coordination listserv and the Ohio Supreme Court's quarterly parenting coordination teleconference round tables, as well as the resources in the Ohio Supreme Court's tool kit. A mentoring program similar to the Court's guardian *ad litem* mentoring program should be considered. The Court could host and manage such initiatives.

> **Recommendation 4.1: The Court should work together with the legal community to provide continuing education designed specifically for parenting coordinators and opportunities for parenting coordinators to develop a community of practice.**

CONCLUSION 5: FAMILY LAW PROFESSIONALS ARE UNFAMILIAR WITH THE ROLE OF THE PARENTING COORDINATOR.

The success of parenting coordination requires a collaborative effort. Because the process is new, few really understand it.

All of the actors in the adjudicative process – judges, magistrates, attorneys, guardians *ad litem*, mediators, and custody/parenting evaluators – should have a thorough understanding of the role and the way the process works. Family law professionals need education about parenting coordination the same way they need interdisciplinary training about mediation, collaborative law, guardian *ad litem* pre-service training, and custody/parenting evaluations. The persons who

have the most power to influence children's lives should be equally knowledgeable about the similarities and differences in these roles. They should all "speak the same language."

This knowledge is especially important as a foundation to screen families into the right intervention, to inform recommendations and decision-making about custody and parenting, to advise clients, to make policy, and to avoid providing misinformation. Ideally, judges, magistrates, attorneys, guardians *ad litem*, mediators, and custody/parenting evaluators would receive the same training required to qualify as a coordinator, but shorter targeted trainings about parenting coordination would suffice.

> **Recommendation 5.1: Education and training about the parenting coordination process should be provided to judges, magistrates, attorneys, mediators, and custody evaluators.**

CONCLUSION 6: THERE IS A LACK OF PROFESSIONAL DIVERSITY AMONG PARENTING COORDINATORS.

The program would benefit from having more pure conflict resolution and mental health professionals on the approved list of providers.

Diversified professional backgrounds among coordinators are important to ensure there are choices in matching parents with the right coordinator. One's field of study influences perspective and orientation toward the work. There are strengths in each kind of professional training. Although all coordinators receive the same mediation and parenting coordination training, some backgrounds may be more suited to certain relational dynamics and recurrent issues than are others. Some issues, like temporary adjustments to transportation and pick up times, are less involved. Others, such as appropriate discipline and child rearing, may require more teaching and discussion to change attitude and behavior. Mental health professionals may emphasize providing insight, mediators may emphasize facilitating communication, and attorneys may focus on interpreting orders. Each family is unique and it is critical to the success

of the parenting coordinator process, that the coordinator be suited to meet the needs of different families. The need for a different perspective is especially important since guardians *ad litem* in the Court's program, are, almost exclusively, attorneys. Court appointments in matters involving children should not be dominated by professionals with a single background.

Recommendation 6.1: The practice of parenting coordination should be promoted among mental health and conflict resolution professionals.

CONCLUSION 7: COURT OVERSIGHT IS NEEDED TO SUPPORT THE LEGITIMACY AND SUCCESS OF PARENTING COORDINATION.

Courts should closely oversee all aspects of the parenting coordination process to be mindful of the procedural justice concerns raised by this profoundly different role and to avoid being perceived as merely delegating their judicial responsibilities. The superintendence rules resolve many concerns at a policy level; the challenge now is in implementation. The Court must be vigilant to ensure that coordinators to whom they delegate their judicial authority are fair, impartial, and accountable, in the same way a hearing officer must be. The Court must demand a high level of competency and performance of its practitioners, insist on explanatory written decisions, and provide accessible avenues for judicial review. Ultimately, the actions of court-appointed parenting coordinators reflect upon the Court. Parenting coordinators should be considered officers of the court. Black's Law Dictionary defines "officer of the court" as a person who is charged with upholding the law and administering the judicial system.

The difficulty encountered in this project in determining which cases had parenting coordinators revealed the need for a uniform method of entering appointments in the case management system, and notifying the parenting coordination program director of appointments. Without this at a minimum, monitoring is impossible. The Court cannot comply with rule directives to appoint qualified individuals, make equitable distributions, and ensure that

appointment orders include requisite language about duration and termination of the appointment, scope of authority, responsibility for fees, confidentiality, and other important safeguards, if it cannot identify which cases have coordinators. The Court should consider adopting the same protocols used for the appointment of guardians *ad litem* that require appointments to go through the guardian *ad litem* program director.

Judicial staff should thoroughly scrutinize proposed appointment orders to avoid the difficulties created by skeletal appointment orders. An easy way to avoid inadequate orders is to use the Court's standard appointment order (Appendix 19) exclusively, which was developed to comply with the rules and to ensure quality control. In addition, reports from parenting coordinators should be required for the Court to address problems and to determine if there is continued need for parenting coordination in the particular case. These reports could be made at least annually on the anniversary of the appointment, or more often. These reports could also be used to identify impediments to the success of the process and in reassessing the court program.

It is important to remember that Sup.R. 8 requires that appointments be distributed equitably among all persons on the approved appointment list but also allows the court to consider the skill and expertise of the appointee in the area of the appointment and the management by the appointee of his or her current caseload. The training required to become a parenting coordinator is substantial and costly. Those who have qualified to provide services have made a commitment toward serving in this capacity. The majority of coordinators on the list have not received the available appointments. This has the potential to discourage coordinators from remaining on the list, reducing the number of qualified service providers.

The Court can encourage more parenting coordinator appointments, better coordinator/family matches, and equitable distributions by publishing the names of the approved

list on its website and creating opportunities for attorneys to meet approved coordinators. Because parenting coordination is new, attorneys are hesitant to allow their clients to try it especially if they are not personally acquainted with the coordinator. "Meet and greets" like the Court has sponsored for attorneys and guardians *ad litem* would allow parenting coordinators and attorneys to ask questions and get to know each other.

Recommendation 7.1: Protocols should be instituted for making parenting coordination appointments and entering them in the case management system.

Recommendation 7.2: Parenting coordinators should be required to report regularly as to usage of parenting coordination, the progress made, and problems encountered.

Recommendation 7.3: A procedure should be developed for distributing parenting coordinator appointments.

Recommendation 7.4: Attorneys and parents should be informed of parenting coordinators participating in the Court's program.

CONCLUSION 8: ISSUES RELATED TO PARENTING COORDINATION FEES NEED TO BE ADDRESSED.

Fees are concerning because they add another layer of conflict that threatens to derail the process. Parents balk at paying fees they feel the other parent caused that they cannot control. Coordinators feel uncomfortable deciding who should pay the bill and want the court to make that call. Coordinators would appreciate some help from the court to ensure they are paid for their services.

Parenting coordination is costly and affordability is a major concern for parents. The rates charged are that of licensed professionals, who are diversifying their practices. Since parenting coordination is not counseling or therapy, it does not qualify for insurance reimbursement even if provided by a mental health professional, so the cost is borne entirely by the parents.

The court approved compensation rate is $250/hour. If coordinators bill on average three to four hours a month as they report, parents can expect to receive a recurrent bill of $750 to $1,000/month. Unless there is significant disposable income, this can be difficult to absorb into a budget. Some parents can afford it and find it much cheaper than the cost of two litigators. Others find it prohibitive. Even though parents' combined income in these cases has historically been significantly higher than the average, one parent may earn substantially less than the other may, so that splitting the cost does not necessarily make it affordable. The rates charged can act as a deterrent to obtaining needed assistance.

The appropriate rate for a parenting coordinator is open to question. On the one hand, the experience, background, and training required to serve is substantial and should be reflected in the fee. Private providers have much to contribute and can make a real difference in the right circumstances. Few practitioners will be willing to accept appointments if the compensation is less than what they can earn in their primary field, especially if the appointment lasts for a long time. Parenting coordination is not a *pro bono* endeavor. Although Sup.R. 90.01 requires that provisions be made for the waiver of fees for indigent parties, providers will not be willing to serve if their fees are waived. Also, parties can also control their own costs by how often they choose to contact the coordinator. On the other hand, while parenting coordination requires a depth and breadth of knowledge, it does not demand the sophisticated advocacy skills of attorneys, who make up the bulk of coordinators. It can reasonably be argued that as court appointees providing services for families, market rates for legal professionals should not be charged for parenting coordination. It can also be argued that one parent may be driving usage so that cost is not actually in both parties' control.

Fees are also concerning because coordinators withhold services for failure to pay, which is permitted under Loc.R. 38. This defeats the purpose of parenting coordination. Arguably, if parents are ordered to present their disputes to a coordinator, then the coordinator accepting the appointment should not be permitted to unilaterally terminate services, in effect terminating the appointment. If the best interest of children requires the appointment of a coordinator, then the best interest of children likewise requires that the court approve the termination of the coordinator if prior to the natural termination of the appointment. Parenting coordinators should be required to notify the court in writing if the appointment is no longer in the best interest of the child, or the coordinator or the parents wish to terminate the appointment. The Court may schedule a hearing and review the matter, and enter appropriate orders, including termination orders.

Another difficulty is that coordinators require parents to pay retainers and sign contracts upon which they can sue to ensure they get paid. This practice is a relic of pre-rule days when parenting coordination was private. It blurs the role of a coordinator as a court appointee with judicial authority and can come across as unseemly, especially if parents have not consented to the appointment. A separate contract is arguably superfluous with an appointment order; guardians *ad litem* do not enter into separate contracts although parents are responsible for their fees.

To transition parenting coordination from a wholly private enterprise to a court regulated service, existing practices that bypass the court should be altered. The Court should require appointees to file itemized fee and expenses statements on a regular basis and serve them on the parents, in accordance with Sup.R. 8. Both parents and coordinators should be made aware that fees can be challenged as excessive and unreasonable, and the burden of proving the

reasonableness of the fees, if contested, is on the appointee. It is important to remember that parenting coordinators are not different from other court appointees and are subject to Sup.R. 8 (Appendix 18).

At the same time, the Court must protect the integrity of its orders and require that parents comply with payment responsibilities. If fees are not challenged, the Court should award judgments to coordinators in the same way it awards judgments to guardians *ad litem*. The Court should consider other ways to ensure payment, like the posting of a cash bond with the Clerk of Court.

Recommendation 8.1: Parenting coordination should not be ordered without first determining whether parents have the ability to pay the court-approved rate or have consented to the appointment after being fully informed of the cost.

Recommendation 8.2: A protocol for enforcing the payment of parenting coordination fees should be established.

Recommendation 8.3: Parenting coordinators should obtain court approval to terminate an appointment prematurely.

CONCLUSION 9: PARENTS WANT AN ALTERNATIVE TO THE TRADITIONAL ADJUDICATORY PROCESS.

The need for a way to help parents with ongoing disagreements that are not really legal disputes, outside the formal adjudicatory process, is undeniable. No one – parents, attorneys, or the Court – finds all this use of the legal process particularly productive.

What came across loud and clear is that parents want a more accessible forum to get help with parenting matters from time to time, and to avoid coming to court which they find costly, inefficient, and impersonal. They are willing to sacrifice some due process rights to get it. They find the concept of parenting coordination appealing at first. However, after experiencing the process, many become disenchanted with it. Parents seem to either begin to make strides, or

become disillusioned for whatever reason and quit using parenting coordination services. Parenting coordination is plainly not a panacea.

The reasons some parents prematurely withdraw from the process are difficult to discern and need to be explored in depth. One possible reason is that the appointment was made without much thought whether the parents were good candidates for the process. They may have qualified as high conflict parents who could potentially benefit from the process but have been lacking in the personal motivations and capacities that seem necessary to make it successful. They may not have been able to pay for services. The appointment may also have been made without much explanation to parents; some parents in these samples were not even aware they had a coordinator. The lack of specificity in the appointment may also have created controversies and conflicts that prevented the process from being effective.

The strong interest in a court alternative and the fact that some parents find it helpful indicates that action should be taken to improve the parenting coordination program in a way that alleviates the concerns expressed by parents.

The appeal the process holds also suggests that parents would be receptive to other models besides parenting coordination that could assist them with post-judgment disputes. This could be through a court connected compliance officer, the existing pilot case management program, or a compulsory family dispute resolution conference. Services could also be provided through community resources such as a graduate school or law school clinic. The Court should explore creative ways that other jurisdictions are using to address post-judgment dispute resolution outside the courts.

Recommendation 9.1: The Court should explore and support creative ways to get parents the help they need with parenting disputes that lie outside the adjudicatory process.

CONCLUSION 10: AN IN-HOUSE PARENTING COORDINATION PROGRAM WOULD MEET THE NEEDS OF MORE HIGH CONFLICT PARENTS THAN THE PRIVATE PROVIDER MODEL.

High conflict is not restricted to affluent parents. Less economically well-off parents and their children also need access to a less adversarial forum to resolve ongoing disputes about the details or their parenting plans and could benefit at least as much as more affluent parents. Yet parenting coordination is not accessible to low- and middle-income parents because of cost.

The Court should consider establishing a low cost internal parenting coordination program component to complement the private provider model. It should consider utilizing its mediators to provide parenting coordination on a trial basis. Its mediators have been trained in parenting coordination and are already qualified to serve. Charges for the internal program could be similar to the cost of case management, which is $25/hour, or the cost of mediation, which is $250 per dispute with unlimited sessions. Another possibility would be to charge $250 per year per person with an unlimited number of disputes and sessions.

There are additional benefits to an internal program. Parents can easily be directed to coordinators and requests for help can be easily processed through the court's website, as occurs now with mediation requests. In-house coordinators may be more available than private providers for whom parenting coordination is secondary to private practice in their primary fields. With a larger caseload, they are also more likely to become proficient more quickly. In-house service providers will also possess the indicia of the court's authority that private providers lack. Standardized procedures could be developed and services can be delivered more uniformly, eliminating some of the operational variables that have affected the success of parenting coordination. Evaluating how well the program is working can be accomplished much more easily than the private program since parents and coordinators will be on the premises;

their input can be gathered through on site surveys and interviews. Necessary changes can be implemented quickly.

Recommendation 10.1: An affordable in-house parenting coordination pilot program that is affordable for low and middle-income parents should be developed.