

**PARENTING COORDINATION
IN NEW HAMPSHIRE:**

**A HANDBOOK FOR THE PURPOSE AND
PRACTICE**

Prepared by the

Parenting Coordinators Association of New Hampshire

The Parenting Coordinators Association of New Hampshire deeply appreciates Families Moving Forward, Inc. of Indiana for granting permission to the Association to incorporate material from the Indiana Parenting Coordination Guide in preparing this document.¹

Parenting Coordinators Association of New Hampshire

The Parenting Coordinators Association of New Hampshire was founded in January 2008 as a non-profit interdisciplinary organization dedicated to fostering the understanding and use of parenting coordination and supporting professionals who serve as parenting coordinators. The Association's membership includes attorneys, mental health providers, and other professionals committed to improving the process of family transition in New Hampshire by managing and reducing inter-parental conflict and creating healthier outcomes for children of divorce and separation.

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About this Guide

The Parenting Coordinators Association of New Hampshire is committed to providing high quality parenting coordination services. We believe that parenting coordination is extremely valuable for post-separation/post-divorce families who need additional structure and guidance in order to meet their children's needs and to deal with disruptive and destructive inter-parental conflict. We believe that parenting coordination can be invaluable to families where prolonged high conflict is threatening the psychological health and well being of children. Parenting coordination can resolve inter-parental conflict before it further disrupts co-parenting, harms the children, and disturbs the parent-child relationships. Parenting coordination helps to ensure that children's needs are met in a timely and effective manner. Furthermore, parenting coordination can help heal damaged family relationships and establish the communication, cooperation, conflict resolution, and general coping skills necessary for effective co-parenting so as to enable children to remain psychologically healthy following the divorce or separation of their parents.

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I. INTRODUCTION TO PARENTING COORDINATION

Definition:

Parenting coordination is a child-focused alternative dispute resolution process. The parenting coordinator, or “PC”, is usually a mental health or legal professional with mediation training and experience. The basic responsibility of the parenting coordinator is to assist high conflict parents to implement their parenting plan by facilitating the resolution of the parents’ disputes in a timely manner, educating parents about children’s needs and co-parenting techniques and, with the prior approval of the parties and/or court, making decisions within the scope of the court order or appointment contract.² Typically both parents would need to agree to the appointment of a parenting coordinator.

The overall objective of parenting coordination is to protect and sustain safe, healthy and meaningful parent-child relationships. However, in cases where domestic violence has been present and one parent seeks to obtain and maintain power and control over the other, the role of the parenting coordinator can become almost purely an enforcement function.

The parenting coordinator model is a new “professional role” and an innovative approach to dealing with high conflict and alienating families in parental rights and responsibilities proceedings. More specifically, parenting coordination would apply where close oversight and monitoring of individual cases is found helpful, if not essential, for families repeatedly and protractedly involved in litigation. The role of the parenting coordinator can be as basic as mediation to assist the parents in resolving ongoing disagreements within the parenting plan, or as broad as that of “co-parenting arbitration” where decisions in a somewhat limited context would be final insofar as the parents’ dispute is concerned. The scope of the parenting coordinator’s role in each specific case would be determined by the court in its discretionary power, although the parents could agree on additional responsibilities as well.

The parenting coordinator is not a guardian *ad litem*, but the parenting coordinator’s role might be exercised in cooperation with a guardian *ad litem* as needed and as appropriate.^a Appointment of a parenting coordinator would typically require a finding by the court that the parenting issues in a case are complicated, that the parties demonstrate a pattern of continuing high conflict, or that such other conditions exist that affect the best interests of children.

Parenting coordinators in other states have also been referred to as “special masters,” “family court advisors,” and “wise-persons,” among other titles. Parenting coordinators are particularly useful for parents who have great difficulty making important mutual and timely decisions about their children. This intervention is also helpful when there are

^a The parenting coordination function is different from that of a guardian *ad litem* in a number of ways. In general, however, although both have the responsibility to act in the best interests of the children, the parenting coordinator helps facilitate existing parenting plans and manage conflict between the parents, usually after the divorce of the parents (or separation of non-married parents); whereas the guardian *ad litem* is responsible for investigating the circumstances of the family during the legal proceeding in accordance with the court’s appointment order and making recommendations to the court relative to the development of the parenting plan.

ongoing and unsubstantiated allegations of parental neglect or physical and/or sexual abuse of the child. In addition, parenting coordination can be helpful whenever there is potential for disruptive inter-parental conflict.

Rationale:

Projections in 2000 indicated that between 40% and 50% of first marriages in the United States would end in divorce.³ Every year between 1995 and 1999 over one million children in the United States experienced the divorce of their parents.⁴ While divorce itself places children at risk for various psychological difficulties, research has shown that the strongest predictor of child maladjustment after divorce is exposure to high levels of inter-parental conflict, particularly when the conflict is hostile, aggressive, poorly resolved, and focused on issues pertaining to the children.^{5,6}

In approximately 10% to 15% of families of divorce, conflict continues at a high level for several years following the formal divorce decree, and it typically causes the children and the parents to suffer significant and prolonged psychological distress.^{7,8,9} Many studies have documented that prolonged conflict between parents is associated with a wide range of negative effects on the children involved.^{6,10,11,12,13,14,15,16,17} These effects include emotional problems, behavioral problems, scholastic underachievement, and an increase in physical illnesses (including colds, fever, allergic reactions, diarrhea, vomiting, asthma, and eczema). Some of these effects can be long-term or even permanent.^{13,18,19,20}

The emotional and behavioral problems caused by inter-parental conflict have been documented to include: abrupt changes in personality, regression in development, depression, crying, separation anxiety, sleep disturbance, increased clinging to parents, phobias, social withdrawal, school resistance, soiling, wetting problems, psychosomatic symptoms such as headaches, stomach aches, and gastrointestinal disturbances, low self-esteem, academic underachievement, anger, hostility, impulsiveness and anti-social behavior.

Another consistent finding is that children involved in these high-conflict cases are angrier and more aggressive toward their parents. In an overall sense they have poorer relationships with their parents than do children from families with little inter-parental conflict.

Unfortunately, many of these effects on children can persist into adulthood. In adulthood, children of families that were troubled by conflicts between parents often have more psychological problems, less trust in themselves and others, lower levels of marital satisfaction, and a higher divorce rate as compared to adult children of families who were free of such conflict. Males may be more inclined to perpetrate violence, and females may be more inclined to be co-dependent and to accept such mistreatment.

Intense and prolonged inter-parental conflict can also cause problems for children indirectly. It can impair the ability of each parent to deal effectively with the children. It can draw the children into the conflict and disrupt the children's relationships with one or both parents. In addition, it can lead to a reduction in financial support of the children, by

one or both parents, due to the financial costs of repeated litigation and one or both parents becoming less willing to contribute financially to the children's support.

Many parents involved in prolonged high conflict do not benefit from traditional methods of dispute resolution, including litigation, mediation, and mental health counseling. Their conflict continues despite such interventions.

In some cases, well-intended counseling interventions for these parents and their children become sources of support for continued conflict. Too often a service provider is not fully aware of the family dynamics and the children's needs, and there is little or no communication or coordination of services. Even co-parenting counseling may be too limited to effectively manage inter-parental conflict and attend to children's needs. As a result, the children's needs often do not receive adequate attention and there is little or no amelioration of the conflict between the parents.

Parenting coordination was developed specifically for high-conflict families who need more structure and guidance to deal with their issues and the needs of their children.^{21,22,23} It has evolved from the experiences of many legal and mental health professionals who have devoted themselves to finding better ways to help these families.

Although parenting coordination is a relatively new intervention, some outcome research has already been completed, and the results are consistent with numerous anecdotal reports that parenting coordination substantially reduces conflict and litigation in high-conflict cases. For example, in California's Santa Clara County, parents in 166 cases had 993 court appearances in the year prior to parent coordination. One year after parenting coordination was initiated, these 166 cases had a total of only 37 court appearances, which is more than a twenty-six fold or 96 percent reduction in court appearances.²⁴ Similarly, in Boulder, Colorado, a survey of parents and parenting coordinators showed that the majority reported satisfaction with parenting coordination and decreased conflict between the parents.²⁵

History:

Parenting coordination was originally defined by Carla B. Garrity and Mitchell A. Baris in their book, *Caught in the Middle: Protecting the Children of High-Conflict Divorce*.²⁶

Parenting coordination is presently (in 2008) practiced in a number of states, including Arizona, California, Colorado, Georgia, Massachusetts, Oklahoma, Oregon, Vermont, Hawaii, Idaho, Indiana, Texas, Minnesota, North Carolina, Florida and New Mexico. Parenting coordination has received increasing attention as a means by which to deal with high conflict and alienating families in domestic relations proceedings before Courts. Elements of parenting coordination have been found in earlier notations about case management wherein oversight and monitoring of individual cases was found helpful, if not essential, for families involved in protracted litigation. Parenting coordination has been helpful in a wide variety of circumstances, including situations in which parents have severe psychological disorders, engage in domestic violence, make allegations of abuse and/or neglect of the children, and attempt to disrupt each other's relationships with the children.²⁷

Goal of Parenting Coordination:

In short, the goal of the parenting coordinator is to work him/herself out of a job as effectively and as efficiently as the circumstances of the case will permit. Parenting coordination should not be viewed as long-term income security for the parenting coordinator, although the circumstances of any given case could certainly cast doubt on the ability or probability of the parents ever being able to co-parent effectively. Parenting coordination can and should reduce and minimize inter-parental conflict to a level or a form that will allow the children to grow and prosper in an environment, although not perfect because the parents are separated, that insulates the children from parental conflict and acrimony. A measure of the success in meeting this goal is the reduction in the frequency of any parents returning to court to litigate and re-litigate issues that can and should be resolved by the parents themselves.

Roles of the Parenting Coordinator:

A parenting coordinator could be appointed as early as needed to assist parents in developing the parenting plan, or later for post-divorce matters after a parenting plan has already been developed. The timing would be at the discretion of the court or as requested by the parents. The parenting coordinator is normally appointed for a specified period of time, such as one or two years. However, a parenting coordinator may resign, or be removed for good cause (unless both parties stipulate to the removal), or be substituted.

Common issues for the parenting coordinator's authority would focus on assisting parents to implement the parenting plan and in promoting the children's best interests and needs. These could include any or all of the following: minor alterations in the parenting schedule that do not alter the basic time share allocation; childcare arrangements; parenting exchanges and transportation responsibility; medical, dental and vision care; counseling and related arrangements for the children; education, including but not limited to school choice, tutoring, and participation in special education programs; discipline; manner and methods of communication between the parties and each party and the children; scheduling and implementation of telephone contact between parent and child; and other issues that may be ordered by the court or agreed to by the parties. In carrying out these responsibilities the parenting coordinator would have access to non-parties and, with the parents' permission or a court order, have access to privileged information including school records, physicians, mental health providers, guardians *ad litem*, and other professionals involved with the family. The parenting coordinator would also have access to related court records.

There are three primary roles that a parenting coordinator may need to fulfill: instructor; mediator; and arbitrator.

The Parenting Coordinator as Facilitator and Instructor.

The parenting coordinator promotes the best interests of the children by meeting with parents to develop and maintain effective co-parenting practices. This includes establishing cooperative parenting plans and assisting the parents in understanding how to modify

behaviors that are impeding their ability to successfully co-parent. The parenting coordinator may perform any or all of the following functions:

1. Offer professional advice and recommendations regarding the needs of the children.
2. Assist the parents with any of a wide variety of decisions regarding the needs of the children, including adjustments the parents may make to the parenting time schedule, the selection of medical personnel for the children, and the choice of educational programs and recreational activities for the children.
3. Facilitate communication and cooperation between the parties for the purpose of effective co-parenting of the children, including helping the parents to develop effective communications skills.
4. Help the parents understand the potentially if not actual harmful effects their conflict can have on their children.
5. Assist the parents in understanding child development characteristics and adapt their co-parenting efforts to the changing needs of the children.
6. Help the parents understand the importance of consistency of daily schedules and discipline methods between households.
7. Interview the children, and obtain input concerning the children from people who know them, including their parents, school teachers, medical service providers, and mental health counselors.
8. Document the services provided, and record agreements reached as well as any difficulties on the part of either parent in working cooperatively to meet the children's best interests.
9. Assist with accountability by issuing progress reports to the parents' attorneys and the court as may be required or needed.

The Parenting Coordinator as Mediator

The parenting coordinator makes every reasonable effort to help the parents resolve the disputes themselves. The parenting coordinator invites each parent to present his and her data, typically at a joint-meeting of the parents, and seeks to facilitate a mutually arrived upon decision. The parenting coordinator may gather additional information from the parents, or from other sources as necessary (such as data from schools, teachers, child care individuals, medical providers, psychological/counseling records, etc.) and then offers alternatives for the parents to consider in formulating an agreement to the current dispute.

The Parenting Coordinator as Arbitrator

The authority to arbitrate must be specifically defined by the court in the order appointing the parenting coordinator as well as detailed in the parenting coordinator stipulations. This arbitration authority includes a certain measure of decision-making authority to resolve impasses by means of a “binding” recommendation. However, when the parents nevertheless reach an impasse on a child-related matter, the parenting coordinator, in accordance with the scope of authority granted by the court order, offers a recommendation that decides the issue and is binding unless and until one of the parents brings the matter to the court for a hearing. The parenting coordinator always recognizes the court’s authority and ultimate responsibility to determine the children’s best interests. Each parent and the parenting coordinator reserves the right, however, to reexamine the issue in the future with the passage of time and the accumulation of additional data.

The ability of the parenting coordinator to function as a decision maker, with the backing of the court, offers several significant advantages. It helps to ensure that the children’s needs are fulfilled in a timely manner. It reduces unproductive and damaging inter-parental conflict which can disrupt the co-parenting relationship, render each parent less effective, and disturb the children’s mental and physical health. It also reduces the likelihood of repeated litigation and additional financial burdens on the family.

Additionally, the parenting coordinator may, as per the Court order or stipulations, communicate information to others for the purpose of ensuring that the binding recommendations are appropriate, adjusted when necessary, and enacted properly in the service of the children’s needs. This may include communicating information to service providers for the children and the parents, such as school teachers, educational tutors, visitation supervisors, physicians, dentists, and mental health counselors.

The parenting coordinator’s role and authority may, again as specified by the Court order, select and manage a treatment team to attend to the needs of the parents and the children. This involves the selection of medical and/or mental health professionals to provide necessary treatment services. It also presumes regular communications between the parenting coordinator and the other members of the treatment team, in order to coordinate treatment efforts in directions that would benefit the children and the parents. As the manager of the treatment team, the parenting coordinator coordinates the needed services and has the authority to select different services and different service providers, and to replace service providers when necessary, to ensure that the needs of the family are met for the sake of the children. This role would typically be applied in cases where the parents are deadlocked about treatment options for their children, and in cases where mental health problems, parental alienation tactics, or other problematic family dynamics may threaten the parenting coordination process, the safety of the children, or the relationships of the children with one or both parents.

Areas of Parenting Coordination Decision-Making Authority:

When a parenting coordinator is appointed with decision-making authority, there is a need to define the limits of that authority. Commonly, the parenting coordinator is authorized to offer recommendations including the following:

1. Daily routine.
2. Minor alterations in the parenting schedule that do not alter the basic time share allocation.
3. Childcare arrangements.
4. Daycare/babysitting.
5. Parenting exchanges and transportation responsibility.
6. Medical, dental and vision care.
7. Psychological counseling, testing, or other assessment of children.
8. Medical, dental and vision care.
9. Education, including but not limited to school choice, tutoring, and participation in special education programs.
10. Extracurricular activities and arrangements.
11. Discipline.
12. Manner and methods of communication between the parties and each party and the children.
13. Scheduling and implementation of telephone contact between parent and child
14. And other issues that may be ordered by the court or agreed to by the parties.

In carrying out these responsibilities the parenting coordinator would have access to non-parties and, with the parents' permission or a court order, have access to privileged information including school records, physicians, mental health providers, guardians *ad litem*, and other professionals involved with the family. The parenting coordinator would also have access to related court records.

Limitations to a Parenting Coordinator's Authority:

As the concept of parenting coordination expands in the U.S., there grows with it the concern that a parenting coordinator could usurp the court's role as final arbiter of family law disputes thereby threatening the parents' constitutional right to be heard. Jurisdictions now implementing or considering parenting coordination have attempted to be mindful of this concern by specifying areas of authority not appropriate for a parenting coordinator. Limitations to the parenting coordinator's authority would include the following issues for which a parenting coordinator should not have authority to decide:

1. Termination of parenting plans or orders
2. Modification of parenting plans that would reduce one parent's parenting time with the children or that would change the designation of a child's residence for school purposes
3. The need for supervised visitation by either parent
4. Relocation of the residence of children
5. The formal and informal religious education of children
6. The need for psychological or psychiatric treatment of either parent
7. Any other matter expressly prohibited by the court.

Term of Service:

Although the parenting coordinator's term of service varies according to the apparent needs of each case, it is most typical that the term of service is one to two years. At the end of this appointment, both parents have the option to extend the contract of the parenting coordinator for an additional agreed-upon period. Alternatively, the parents may select from a list of other professionals and choose another individual to offer parent coordination services. Either parent retains the right to address the family's circumstances with further Court assistance and litigation, either at the end of the agreed-upon period or any time during the parenting coordinator's involvement, although the role of parenting coordination is to eliminate this need if at all possible.

Confidentiality:

The parenting coordination process is not confidential. Communications with the parenting coordinator are considered available for review by parties' attorneys or the court. Nor is it confidential for communication between the parties and their children and the parenting coordinator, or for communications between the parenting coordinator and other relevant parties to the parenting coordination process, or for communications with the Court. The parenting coordinator can be called as a witness to testify in Court and may be called upon to offer input to help decide parenting time and/or custodial issues should re-litigation occur. Confidentiality is maintained by the parenting coordinator, however, regarding information pertaining to the parenting coordination process and the respective case outside the scope of the process except for coordination and collaboration with other professionals that may be involved with the family. Other exceptions to confidentiality would include the duty to report suspected child abuse or neglect to child protective services or to report to law enforcement or other authorities if the parenting coordinator believes any family member appears to be at serious risk of harm to self or to another.

Fees:

Fees of the parenting coordinator are set by the particular professional and would typically, but not necessarily, depend on the qualifications of the parenting coordinator. Fees can be expected to apply to all parenting coordination services, including but not necessarily limited to: interview time, meeting time, investigation time (of court, school, or other records), collateral time (conferring with attorneys and other professionals), home visits, travel expenses and travel time, preparation of reports or agreements, and court appearances.

Grievance Procedure:

Parenting coordinators are appointed pursuant to Court order and agreement by the parents. However, this may not prevent the filing of individual complaints with professional licensing boards under which the parenting coordinator may be licensed in his or her primary occupation. The parenting coordinator should, therefore, be a person of solid professional reputation with extensive experience and the ability to withstand the threats and allegations involved in complaints of this nature. In order to discourage inappropriate acting out and board complaints, which can undermine the parenting coordination process,

parents should be encouraged to initially bring any complaint directly to the parenting coordinator for resolution. If no resolution is reached, the parents and the parenting coordinator would do well to attend a judicially supervised settlement conference. This could resolve the grievance, attend to the children's needs, preserve proper parenting coordination services, and deal with any needs to redress the services rendered or to select a different parenting coordinator.

II. APPROPRIATE APPLICATIONS FOR PARENTING COORDINATION

Although mutual decision making between parents may be the optimal way for parents to resolve their differences, for some parents caught up in conflict with each other, mutual decision-making may seem impossible. These parents are often caught up in "high conflict" and generally demonstrate a pattern of ongoing litigation even though a temporary order or final decree and parenting plan are in place. Their disputes are often crisis-oriented. One or both parents appear demanding, highly emotional and reactive. Thinking is often rigid and the expectations of legal outcome are often unrealistic. Parents in high conflict find themselves unable to make even the simplest decisions together. The ongoing conflict will often be reflected in continuous disputes over parenting time and inflexibility by either or both of the parents. The conflict usually brings the parents back to court and before a judge or marital master to make decisions that the parents have been unable to make together.

Parenting coordination can be an effective method of resolving disputes between parents when traditional therapies, mediation and/or litigation have not proven successful. Parenting coordination is often less expensive than litigation, allows someone familiar with the family and the family dynamics to facilitate the resolution of conflicts, and facilitates a more expedient and cost-effective resolution than traditional litigation.

Parenting coordination works best when both parents are willing to accept the parenting coordination process. That is why parenting coordination in New Hampshire typically requires the agreement of both parents for the appointment of a parenting coordinator. Parenting coordination may be least effective in cases where one or both parents have never accepted the court's authority and repeatedly violated court orders. Such parents will likely dispute or defy the parenting coordinator's decisions as well.

The parenting coordinator may be useful in a number of situations regarding the interpretation or implementation of a court-ordered temporary or permanent parenting plan. The parenting coordinator's authority will focus on assisting the parents to implement their parenting plan and in promoting the child(ren)'s best interests and needs. The issues, unless otherwise defined or narrowed by the Court, have been listed above. Either parent or the parenting coordinator may seek a further order of the Court for authority regarding additional issues.

Additional situations in which the parenting coordinator may be useful could include the following:

1. Accusations of neglect or abuse, which place the children in a situation of emotional risk; e.g., allegations of sexual or physical abuse, accusations of substance abuse, and allegations about threats posed by a new live-in partner or fiancée.
2. Parents who are locked in impasse and are chronically litigating. Parents who have great difficulty making important mutual and timely decisions and require assistance coordinating their parenting efforts.
3. Parents with intermittent but troublesome mental illness.
4. A history of domestic violence.
5. A history of substance abuse.
6. Chronic unreasonable hostility and distrust.
7. Consistent unsubstantiated allegations by one parent of misconduct on the part of the other parent, such as poor judgment, safety issues, abuse, and violence.
8. A history of alleged or actual alienating tactics, or alienation of the child from a parent.^b
9. Children who are estranged from one of their parents and need the parenting coordinator to enable a reunification process with that parent in a manner and at a pace consistent with their emotional and safety needs, with therapeutic assistance as needed.

The parenting coordinator will often find that the parents and/or children require adjunct services to be provided by third parties. Other states have found that a parenting coordinator seems most helpful when the parenting coordinator has the ability to select and manage a treatment team or at least to refer the parties to the following adjunct services as needed:

1. Physical (medical) and psychological examinations and assessments.
2. Psychotherapy (including therapeutic mediation and individual, post-divorce, family, and reunification therapies).
3. Alcohol/drug assessment, monitoring, and/or treatment.

^b “Alienation tactics” is defined as encompassing behaviors and influences by one parent such as to cause a child to reject the other parent in some way and to some extent, including but not limited to being critical of that other parent and expressing a desire not to have parenting time with him or her..

4. Supervised visitation services.
5. Guardian *ad Litem*.
6. Domestic violence counseling/intervention program.
7. Parenting classes.
8. Specialized educational/remedial services.

In order for the parenting coordination process to be effective, it is important for the Court to define the parameters of the process to match the needs of the parents in the case. For example, a more educational approach, in which the parenting coordinator can educate the parties about child development, communication skills, conflict resolution techniques, family issues, and resources, may be an approach that does not require the parenting coordinator to have decision-making authority. This may be an approach that is most appropriate for parents who appear logical, well-motivated, highly moral, and secure in their personal life. These parents may merely want help developing a parenting plan or modifying one in anticipation of a change in circumstances.

Parenting coordination with some ability to make binding recommendations, as per court order, may be more appropriate for parents who frequently create an impasse around certain, sometimes minor, issues. These parents may have great difficulty communicating and may need a parenting coordinator to help in a role that uses facilitation, education, and coaching, as well as the ability to make binding recommendations when other approaches fail.

A third parenting coordination approach would be one in which the parenting coordinator has decision-making authority and authority to appoint and manage a treatment team to deal with family pathology that could threaten the parenting coordination process and the best interests of the children. This type of approach may be most beneficial when parties have a history of domestic violence, a history of alienating the children from the other parent, and/or a history of other severely uncooperative or problematic behavior that would threaten the parenting coordination process, the safety or well being of the children, or the relationships of the children with either parent.

It should be noted that the parenting coordinator's role may need to evolve in cases where one of the parents has perpetrated a pattern of domestic violence and coercion against the other parent and seeks to continue that pattern by exploiting the parenting coordinator's role. In such cases where one parent continues to attempt to exert power and control over the other and regularly disregards parenting coordinator recommendations, the role of the parenting coordinator might need to shift from primarily seeking mutually agreed-upon parenting plans to primarily enforcing court orders. In addition, the parenting coordinator would in these cases become more active in alerting the parents' attorneys and the Court of (a) violations of existing court orders, and (b) possible needs for additional court orders to more specifically define the parenting plan which must be followed.

In some cases, the parenting coordinator may initially work with parties in a less authoritative role. However, after assessing the family dynamics and the ability of the parents to work toward decreasing the conflict and focusing on the best interests of the children, the parenting coordinator may need to request that the Court expand the parenting coordinator's authority. An expansion of authority could include granting the parenting coordinator the discretion to make binding decisions if the parenting coordinator was not granted decision-making authority at the outset.

III. PARENTING COORDINATION PROCESS

Although the parenting coordinator is generally given wide latitude in structuring the process and the sessions with the parents, the following format is a typical representation of the process followed.

Prior to setting up the initial contacts with clients, the parenting coordinator reviews the pertinent available documents to ground himself/herself in the case. Those documents would include parenting evaluations, temporary or final orders regarding parental rights and responsibilities, the Court order appointing the parenting coordinator, and any relevant information about previous parenting coordinators or other interventions that may have been employed

The parenting coordinator may initially meet the parents jointly or separately. During the initial meeting(s), the role of the parenting coordinator is clarified, and the Court order is reviewed. The parenting coordinator contract may be signed before or during the initial meetings. Some parenting coordinators may get a head start on such informed consent procedures via mailings and other communications with the parents prior to the initial meeting. In addition, during the initial meeting(s), the parenting coordinator establishes necessary rapport with the parents and may begin the process of evaluating the family and the specific issues which need to be addressed.

The parenting coordinator may choose to meet separately with the parents should there be issues of domestic violence. Similarly, very high levels of inter-parental conflict may require the need for subsequent separate meetings with each parent rather than jointly with the parents. Even so, communications between the parenting coordinator and either parent will generally be copied to the other parent unless there is a specific reason for not doing so to protect one parent from intimidation or threat. A critical element in the parenting coordinator process is to establish and maintain an alliance with both parents in order to foster and facilitate the cooperation of both parents in the parenting coordinator process. Actually or appearing to align with one parent is likely to defeat the needed mutual alliance, impede progress toward co-parenting and perpetuate the non-productive and limited role arbitration.

The parenting coordinator's process thereafter will include some or all of the following depending, in part, on the individual parenting coordinator's preferred practice and the parents' needs:

- The parenting coordinator will establish his/her role representing the best interests of the children. Information is gathered about the extent of the conflict, the child's exposure to the conflict, and the specific areas of agreement and dispute.
- Areas of dispute are prioritized. Subsequent separate meetings may be scheduled at the end of the joint session, unless a defined dispute is urgent enough to supersede the individual sessions. In the individual sessions with the parties, each parent is given the opportunity to discuss specific concerns and to express his/her perceptions of the history of the conflict and the impact on the child.
- Ideas and proposals for solution are solicited. Each parent's preference for mode of communicating with the other parent and the parenting coordinator is discussed. The information gathered from these individual sessions provides the basis for approaching the case. The parenting coordinator determines what additional information is needed and from whom, the mode of communication, the frequency of sessions, who participates in the sessions, and the preferred initial emphasis (e.g., parent education, negotiation, resolution of conflict by means of a binding recommendation). In many instances the parenting coordinator process may occur, not so much with face-to-face sessions with the parents, but by telephone and email in accordance with the parenting coordinator's style and the requirements of the Court order.
- The children may be seen separately to get the views of the children regarding the family, their experience of the conflict, their perceptions of relationships with each parent, and their specific concerns and desires. Whether the parenting coordinator chooses to proceed with additional joint sessions or conduct individual sessions, the first approach is generally one of parent education and negotiation to assist the parents in reaching agreement. If the Court order allows for decision-making authority and the parenting coordinator determines that it is necessary, the parenting coordinator prepares for making the decision by gathering the relevant data and outlining the criteria for making the decision. A written decision or recommendation includes the rationale for the decision and any specific details to define the implementation of the decision. The written decision is disseminated to the parents, to their attorneys if still involved, and to the Court as may be required in the Court Order appointing the parenting coordinator.

Because of the potentially and often volatile nature of these cases, the parenting coordinator will keep thorough records of communications with the parents and other data sufficient to reveal and support the parenting coordinator's efforts and conclusions.

In Sum:

Parenting coordinators provide post-separation and post-divorce parents a constructive, child-centered alternative to resolve conflict, to better understand and meet their child(ren)'s needs and to minimize or entirely avoid the costs and stresses of revolving door litigation.

SAMPLE PARENTING COORDINATION FORMS

THE STATE OF NEW HAMPSHIRE

_____ COUNTY

FAMILY DIVISION AT

CASE NO. _____

In the Matter of
and

AGREED-ON ORDER ON APPOINTMENT OF PARENTING COORDINATOR

1. The following individual is appointed to serve as parenting coordinator:

Name: _____

Address: _____

The child(ren) in this case are:

_____	D.O.B. _____
_____	D.O.B. _____
_____	D.O.B. _____

2. The parenting coordinator shall serve until his/her resignation, written agreement of the parties, or court order, or 1 year from appointment, whichever occurs first.

3. Note here if there is a restraining order prohibiting or limiting the parties contact with each other.

- a. _____ No such restraining order
- b. _____ Yes. [If "yes" is checked there shall be no joint sessions.]

Specify court and docket number _____.

4. The parenting coordinator shall assist the parties as follows:

- a. Education about children's needs.
Mediation to implement their parenting plan.
Co-parenting arbitration. Any decision/award shall be filed with the court. At the request of either party, the court shall schedule a hearing on the topic of the arbitration.

b. Other (specify) _____

5. The parenting coordinator shall also assist the parties with the following specific issues:

- _____ Time, place, and manner of exchanging child/children
- _____ Personal property to be exchanged with child/children
- _____ Daily, weekly, or monthly schedule

- _____ Daycare/babysitting
- _____ Extracurricular activities
- _____ Counseling for the child/children
- _____ Other health care for child/children
- _____ Travel arrangements
- _____ Education, including special education and tutoring
- _____ Other: (specify): _____

6. Payment of the costs and fees of the parenting coordinator shall be allocated as follows, in the first instance:

_____ Petitioner/Respondent shall pay the entire parenting coordinator expense.

_____ Petitioner shall pay _____%.

_____ Respondent shall pay _____%.

_____ Any required retainer shall be made within 30 days from the date of this appointment.

7. The parties and parenting coordinator shall sign file a Parenting Coordinator Stipulation within 30 days.

8. Other provisions: _____

 Date

 Petitioner

 Date

 Respondent

 Date

 Attorney for Petitioner

 Date

 Attorney for Respondent

Recommended:

Date

Master

Master's recommendation approved. Order in accordance therewith.

(Date)

Presiding Justice

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

FAMILY DIVISION
AT

**In the Matter of Father and Mother
Case #2008-M-0000**

PARENTING COORDINATOR AGREEMENT

NOW COME the parents, counsel and the Parenting Coordinator and stipulate to the following agreement concerning the Parenting Coordinator's services in this matter:

1. Order of Appointment.

These stipulations are made pursuant to an order designating _____ as Parenting Coordinator dated Month XX, 20XX.

2. Period of Appointment.

The parenting coordinator appointment will be for a one-year period or twenty-five (25) coordinating hours, whichever first occurs, unless otherwise specified by the court or agreed to by the parties. The parenting coordinator may resign, be removed for good cause (including services no longer required) or be substituted by the court. The court may appoint the parenting coordinator for an additional period or the parents may agree to a continuation of the parenting coordinator appointment.

3. Role of the Parenting Coordinator.

The role of the parenting coordinator is to assist the parents in resolving disagreements in the implementation of the parenting plan and to provide "co-parenting arbitration" when disputes cannot be negotiated or resolved. Arbitration decisions will be final insofar as the parents' respective dispute is concerned.

4. Scope of Appointment.

The scope of the parenting coordinator's appointment, unless otherwise specified by the court, will be as follows:

a. The parenting coordinator's authority will focus on assisting the parents to implement their parenting plan and in promoting the child(ren)'s best interests and needs. The issues, unless otherwise defined or narrowed by the court, will include but not necessarily be limited to: time sharing arrangements with the children; daily, weekly and/or monthly schedules; daycare/babysitting; parenting exchanges and transportation responsibility; medical, dental and vision care; psychological counseling and related arrangements for the children; extra-curricular activities and arrangements for the children; education, including but not limited to school choice, tutoring, participation in special education programs; discipline; methods of communication; and any other issues

that may be identified by the court or agreed on by the parents. Either parent or the parenting coordinator may seek a further order of the court for authority regarding additional issues.

b. The parenting coordinator will not have authority to decide the following: termination of parenting plans or orders; modification of parenting plans that would reduce one parent's parenting time with the children or that would change the designation of a child's residence for school purposes; the need for supervised visitation by either parent; the need for psychological or psychiatric treatment for either parent; relocation of the residence of children; and the formal or informal religious education of children.

5. Access to Information.

In carrying out responsibilities the parenting coordinator will have access to non-parties and privileged information as may be required, including school officials, physicians, mental health providers, guardians *ad litem*, and other professionals involved with the family. The parenting coordinator will also have access to related court records.

6. Cooperating with the Parenting Coordinator.

The parents will cooperate with the parenting coordinator in executing necessary authorizations for the release of information, assisting the parenting coordinator with meeting with the children as may be necessary, and supplying information about persons having pertinent information concerning the issues in the case. The parents shall keep the parenting coordinator informed of any changes in circumstances affecting the case as well as changes in their residence address, business addresses, and phone numbers. The parents shall execute any authorizations for release of information pertaining to them or the children as the parenting coordinator may reasonably request, or respond to the parenting coordinator's request setting forth reasons for denying such release of information promptly.

7. Confidentiality.

Information received by the parenting coordinator, either in writing or orally, will not be divulged to any third party without written permission from both parents. The parenting coordinator also agrees to hold information confidential and not divulge it to one parent when so requested by the other parent unless doing so is counter-productive or otherwise a hindrance to the parenting coordination effort. Exceptions to the foregoing may be made if there are allegations of child abuse, threats of harm to either parent or to others, or the involvement in fraudulent activity by either parent.

8. Fees and Payment for Services.

The parties shall provide a retainer of \$X,XXX.00. Payment for the parenting coordinator shall be as set out by the court: the Petitioner shall pay 50% of the parenting coordinator retainer and expense and the Respondent shall pay 50% of the parenting coordinator retainer and expense. The retainer shall be used to pay the monthly bills.

Thereafter, each party shall pay his/her portion within 15 days of date of each bill. If not paid promptly, there shall be a finance charge of 1.25% a month (15% a year). If at any point, the amount owed the parenting coordinator is \$XXX.00 or more, she may stop work until it is paid. The parents shall comply with any and all orders that the court may make concerning payment of the parenting coordinator subsequent to this stipulation.

Should any legal action be required to collect a balance due from either parent, that parent agrees to pay the parenting coordinator any and all reasonable court costs and/or attorneys fees necessary for collection of any past due amounts.

9. Impartiality.

The parents understand that parenting coordination will be furnished on an impartial basis and that the parenting coordinator will not provide psychological counseling or legal advice to either parent.

10. Liability.

The parents agree not to hold the parenting coordinator liable for, or to include the parenting coordinator in, any judicial proceeding involving the parenting coordination or the parents' relationship. The parenting coordinator agrees not to represent or give support to either parent in subsequent matters or proceedings.

11. Court Appearance.

The parenting coordinator will not appear at any hearings of the court without specific orders from the court directing the parenting coordinator to appear. The parenting coordinator bill will include time for any such required court attendance from the scheduled beginning time of the hearing on the court notice to the time the parenting coordinator is excused to leave by the court. Nothing in this stipulation shall prevent the parenting coordinator as he determines best under the circumstances, from attending any hearing or participating in any hearing more than is contemplated in this stipulation. Compensation for such attendance may not be required.

12. Court Approval of Agreement.

This agreement will be submitted by the parenting coordinator to the court upon receipt of parents' and counsels' (as applicable) signatures with a request for the court's approval.

Date

Petitioner

Date

Respondent

Date

Attorney for Petitioner

Date

Attorney for Respondent

Date

Parenting Coordinator

PARENTING COORDINATOR INFORMATION SHEET

Parenting Coordinator
123 Main Street
Town-in-NH, NH 03123

Tel. No. 603-123-4567

In the Matter of Father and Mother

I have been named Parenting Coordinator in the above-mentioned case. I am requesting that you provide me with the following information, in as complete and accurate a manner as possible.

1. YOUR FULL NAME: _____

PRESENT HOME ADDRESS: _____

PRESENT WORK ADDRESS: _____

TELEPHONE: (WORK): _____ (HOME): _____
(CELL): _____

EMAIL ADDRESS: _____

2. List all persons with whom you presently reside.

NAME:

RELATIONSHIP TO YOU:

3. DOMESTIC VIOLENCE:

a. Have you ever filed a petition against the other parent named in this case for domestic violence? Yes ____ No ____

b. If yes, what was the outcome?: _____

c. Have you ever had such a petition filed against you? Yes _____ No _____

d. If yes, what was the outcome? _____

4. ABUSE AND NEGLECT.

a. Have you ever filed an abuse or neglect report against the other parent named in this case for child abuse/neglect? Yes _____ No _____

b. If yes, please describe: _____

c. Have you ever had such a report filed against you? Yes _____ No _____

d. If yes, and there was a finding, please explain. _____

14. CHILD(REN)'S DATA:

a. School attending:

Child's Name	School Name	Address	Grade	Teacher's Name

b. Day care or babysitter:

Child's Name	Caretaker's Name	Address	Telephone

c. Pediatrician:

NAME	ADDRESS	TELEPHONE

d. Mental health counselor or therapist:

NAME	ADDRESS	TELEPHONE

e. Dentist and any other treating medical personnel:

NAME	ADDRESS	TELEPHONE

Parenting Coordinator infosheet

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

**FAMILY DIVISION
AT**

**In the Matter of Father and Mother
Case #2008-M-0000**

PARENTING COORDINATOR REPORT

NOW COMES the Parenting Coordinator and submits the following report for the information and assistance of the Court and the parents:

Parenting coordination was ordered by the court in Month 20XX. The role of the parenting coordinator has been helping both parents manage and resolve conflicts and attend to the needs of their children within the scope of the Final Custody and Parenting Schedule Agreement. Every effort was made to encourage them to resolve disputes themselves; however, information was obtained from third parties when necessary to understand the issues, i.e., children's pediatrician, teachers, and pastors of the respective churches. Specifically, the issues addressed were: disputes about parenting time because of vague language in the agreement; telephone access; exchange of information; behavior at pick up-drop off; children's social, emotional, academic and medical needs; etc. Joint meetings were held on a monthly basis with both parents and the children were seen monthly with parents alternately transporting them. Both parents were cooperative and responsible to the process.

In general, the parenting coordination process was successful. Many agreements were made which eliminated the potential of crises with each new occurrence of a situation:

Communication between both parents was agreed to be via email, copying the parenting coordinator (unless time related issue).

A set phone time was established on Sunday 4:30 - 5:00pm with the children initiating the call. It was determined that tape recording would be useful to avoid the he said/she said and as a reminder for parents to discuss appropriate material.

Etiquette for exchanges was established.

It was determined that the use of a new doctor must be agreed upon; and if disputed the children's current pediatrician, Dr. Smith, would provide input.

Protocol for snow days and sick days was established.

An agreement for two one-week vacations was made.

Parenting coordination was also a forum to share information about the children; negotiate the exchange of documents and belongings ordered by the agreement; and raise

parenting concerns. With clearly defining vague or gray language in the agreement, crises were avoided and ultimately parental hostility and stress did not trickle down to the children. There was noticeable relief in the children when transitions commenced at school. They did well academically in 1st grade. The teachers reported that in spite of the back-forth between households, the children were prepared each day, with homework completed and forms signed. The children were rested, groomed and dressed appropriately for each day.

There was evidence in the meetings with the children that they were caught in a loyalty bind by mother (i.e., feeling pressure to choose their mother as right or good and their father as wrong or bad). The children shared that their mother asked many questions about their father and his household. They acknowledged that they did not always tell their mother the truth. Sometimes they lied to stop their mother from questioning them intensively after visits with their father. Other times they lied in an effort to please their mother, or because their mother had confused them.

Often, the children complained about their father or his household. For example, “I don’t feel I’m safe at Daddy’s” or “I’m scared of Daddy.” However, when these issues were explored, it was learned that in some cases they were totally without foundation and in other cases they were related only to an incident two years earlier when their father grabbed an arm and directed one of the children to time-out in the garage.

The children also brought up issues and requests which parroted their mother. For example, “Mom says our clothes don’t fit” and “I want to talk with Mommy more than just the Sunday ” With discussion it was revealed that their mother raised the issues and then directed the children to discuss them in the meetings. In addition, it appears that the mother has made statements that have caused the children to doubt the parenting coordinator. For example, the children said to the parenting coordinator: “Mom told us that you took Daddy’s side and didn’t stay neutral and on the kids’ side.”

Father showed improvement in raising only important issues instead of trivial concerns in the joint meetings. Initially, he was nit-picky and defensive and went through a litany of past mistakes pertaining to various relatively minor concerns. Subsequently, he learned to stay focused on the important issues and to offer suggestions for how to resolve the issues in ways that attended to the children's needs. When criticized by the mother, the father remained quiet and listened instead of becoming emotional and attacking. Father welcomed any pointers to improve his parenting and there was evidence of follow-through. For example, one child was non-compliant with chores. It was advised that the father structure the chore list differently and assign specific chores one at a time. The next month, the formerly non-compliant child reported feeling much happier about chores and had not gotten into trouble once at her father’s house.

Mother displayed a distorted view of the father, seeing him as without redeeming qualities and specifically as abusive to the children. She constantly scanned the world for evidence of his harm to them. She viewed trivial events as having great significance; she interpreted inconsequential remarks by the children as indicative of major problems; and she exaggerated the anxious remarks of the children and accepted their complaints about the father as facts. For example, when the children complained about normal disciplinary

consequences from their father, the mother concluded the father was being abusive.

Similarly, despite evidence to the contrary, the mother alleged that the father's church did not adhere at all to the Scriptures, and she believed that the father never dressed the children properly.

The mother exhibited rigid or black-white thinking. She had difficulty taking in information, considering it and viewing it objectively. Instead, she integrated it into her unrealistically negative belief system about father. She rejected evidence, explanations and interpretations that were inconsistent with her beliefs.

The mother seems to use the children as a narcissistic extension of herself. She is unable to separate her own needs and emotions from those of the children. She attempts to undermine the children's relationships with their father. The effect on the children is confusion and anxiety. The children vigilantly look for information to fit their mother's perception of their father. As a result, the children are not learning to trust their own observations and judgments, and they are at great risk of becoming alienated from their father.

Mother's distorted view and lack of trust in the father does not lend itself to building an effective co-parenting relationship and is destructive to the children. She lacks introspection and sees herself as virtuous and without fault. Mother viewed the parenting coordinator's attempts to point out these dynamics as persecution and evidence of bias against her.

Whenever possible, the parenting coordinator utilized expert third parties to determine the accuracy of the mother's allegations. For example, the mother did not want the father to volunteer on Fridays at school any longer. She maintained that the children were emotional and upset on those mornings and did not want to go to school. The teachers were contacted and reported that the children looked forward to and enjoyed their father's presence.

Similarly, the mother employed the services of a chiropractor because of the children's alleged back problems and as a remedy for ear infections. Father disagreed with this practice. The children's pediatrician determined that the children did not have physical issues which warranted seeing a chiropractor. These resolutions were viewed by the mother as the parenting coordinator being on father's side.

In summary, a degree of stability has been established in the family system with accountability offered by parenting coordination. Father's improvement in non-reactivity and being issue-focused has been beneficial. The parenting coordinator is concerned about the mother's unresolved emotional issues and the adverse impact these may have on co-parenting and on the children's psychological health. It is strongly recommended that the mother seek individual counseling with a Ph.D. level mental health professional. Without intervention, co-parenting will be eleven more years of accusations and mistrust, necessitating ongoing parenting coordination. Furthermore, there is reason to be concerned that the mother may further confuse and alienate the children this summer. As a school

nurse, she has the summer off and will be with the children all day on her parenting time. Finally, it is recommended that parenting coordination continue for 6 more months in order to facilitate effective co-parenting, monitor the dynamics in the family system, and determine whether the mother's individual counseling has a positive impact.

Respectfully submitted,
Parenting Coordinator

Date

Parenting Coordinator

CERTIFICATION

I hereby certify that a copy of the foregoing Parenting Coordinator Report has been mailed, first class postage paid, on this date to the following parents and counsel in this matter:

Date

Parenting Coordinator

PARENTING COORDINATOR QUALIFICATIONS

Although the level of training and expertise for parenting coordinators may vary depending on the level of responsibility assigned, some qualifications are minimally necessary for all parenting coordinators. These include course work and/or continuing education in the following areas:

- o Child development
- o Divorce adjustment
- o Domestic/family law
- o Family systems and dynamics
- o Domestic violence
- o Parenting education
- o Mediation skills
- o Conflict management

Mental health professionals should have three years post license experience in child, adolescent, and family treatment. Membership in state and national professional organizations is important. Mediation training and experience are necessary, and training and experience in parental rights and responsibilities evaluations would be very helpful.

Attorneys must be members of the New Hampshire Bar Association or another state's attorney licensing association. They should have at least three years of law practice experience with divorcing families, mediation training, and preferably cross training in child development/family systems. In addition, they should have continuing legal education in parenting coordination.

Mental health and legal professionals who are interested in developing parenting coordinator skills should, in addition to pursuing training in the above areas, consider joining the Association of Family and Conciliation Courts or AFCC (website: <http://www.afccnet.org>). Furthermore, they should obtain supervision from a professional who is recognized as a skilled parenting coordinator. That supervision should continue throughout at least six parenting coordination cases.

Those choosing to enter this practice specialty should be patient, caring, and able to handle intense conflict and pressure. Other essential qualities include good communication and decision-making skills, objectivity, impartiality, and an ability to remain firm when necessary to advocate for and support the children's best interests.

Any parenting coordinator cases involving parents with severe personality disorders or mental illness and cases with allegations of physical or sexual abuse should be conducted only by a licensed mental health professional with more extensive experience as a parenting coordinator and substantial continuing education in parenting coordination, such as parenting coordinator workshops provided through AFCC.

The AFCC Task Force on Parenting Coordination generated its "Guidelines for Parenting Coordination." Published in May of 2005, the AFCC document covers important practice

guidelines. The authors of the present proposal endorse and recommend those guidelines. At this time, the AFCC guidelines are the only practice guidelines for parenting coordinators produced by a major professional organization, and they are the most comprehensive guidelines available.

Prospective parenting coordinators are encouraged to review the complete AFCC Guidelines for Parenting Coordination, which are available at no charge on the AFCC website referenced above. The first of the AFCC guidelines, “Guideline I,” covers the issue of parenting coordinator qualifications.

For ease of reference, the AFCC Guideline I, covering parenting coordinator qualifications, is quoted below in its entirety. The complete AFCC document can be viewed and downloaded from the AFCC website cited above. (Click on “Resource Center” and then “Standards of Practice”.)

AFCC Guideline I

A PARENTING COORDINATOR shall be qualified by education and training to undertake parenting coordination and shall continue to develop professionally in the role.

- A. The parenting coordinator shall be required to have training and experience in family mediation. The parenting coordinator should become a certified/qualified mediator under the rules or laws of the jurisdiction in which he or she practices, if such certification is available.
- B. The parenting coordinator shall be a licensed mental health or legal professional in an area relating to families, or a certified family mediator under the rules or laws of the jurisdiction with a master’s degree in a mental health field.
- C. The parenting coordinator should have extensive practical experience in the profession with high conflict or litigating parents.
- D. The parenting coordinator shall have training in the parenting coordination process, family dynamics in separation and divorce, parenting coordination techniques, domestic violence and child maltreatment, and court specific parenting coordination procedures. (A model training curriculum incorporating four modules is included in Appendix A of the complete Guidelines.)
- E. A parenting coordinator shall acquire and maintain professional competence in the parenting coordination process. A parenting coordinator shall regularly participate in educational activities promoting professional growth. It is recommended that a parenting coordinator participate in peer consultation or mentoring to receive feedback and support on cases. Parenting coordinator orders and/or private agreements should specify that such professional consultation is permitted.

F. A parenting coordinator shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the parenting coordinator's skill or expertise.

G. A jurisdiction should consider "grandfathering" existing professionals with appropriate experience.

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