

**EVALUATING PARENTING COORDINATION:  
DOES IT REALLY WORK?**

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This project and paper were prepared by the author in her personal capacity. The views and opinions expressed within the paper are the author's own and do not necessarily reflect the view of the Cuyahoga County Court of Common Pleas, the Division of Domestic Relations, the Ohio Chapter of the Association of Family and Conciliation Courts, the Association of Family and Conciliation Courts, or the Ohio Association of Magistrates.

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## **EVALUATING PARENTING COORDINATION: DOES IT REALLY WORK?**

**Serpil Ergun**

### **Abstract**

Family courts nationwide are increasingly turning toward parenting coordination to address the volume of cases that return to court repeatedly over parenting arrangements. These chronic cases, which rarely involve true legal issues, are costly, overwhelm court dockets and dominate resources. At the same time, the adversarial legal process exacerbates parental conflict, and puts children at risk for poor outcomes, psychologically, socially, and academically.

This research sought to gauge the effectiveness of parenting coordination in reducing unproductive repetitive litigation and parental conflict between high conflict parents in the Cuyahoga County Domestic Relations Court, a high volume court in Ohio, before the adoption of state rules regulating the practice of parenting coordination. Parenting coordination, an innovative, multidisciplinary alternative dispute resolution process that combines law, psychology and conflict resolution, holds promise to ease court burdens and minimize conflict, but lacks research support. The judiciary and family law professionals should have a thorough understanding of what the process can and cannot achieve before diverting families to this extra judicial form of case management.

Aimed at providing an analytic basis for improving the Court's current program, this research also addresses the general lack of empirical data validating the practice of parenting coordination. These results may be useful in guiding family law professionals, Ohio courts, and other jurisdictions with less experience with this process in utilizing parenting coordination.

The primary questions of this research are:

- Does parenting coordination reduce litigation?
- Does parenting coordination reduce parental conflict and improve the co-parenting relationship?
- How is parenting coordination being practiced?
- What factors affect the success of parenting coordination?

The data for this analysis came from a systematic review of archival case data and the opinions of key informants with differing perspectives gathered through surveys. The study examined changes in court usage in the two years before and after the appointment of a parenting coordinator and compared these changes to court usage over four years by a control group of high conflict cases without a coordinator. Changes in the number of motions filed, scheduled court events, referrals for parenting services, and trials were measured. A series of comprehensive questions were used to examine the views of parents, attorneys and parenting coordinators as to whether they found parenting coordination to be effective, how parenting coordination is utilized, and how the program could be improved.

Factors which were identified as negatively affecting the success of the process were unaffordability, parents' lack of motivation, ability, and capacity to disengage by separating their personal relationship from their parental role, as well as operational flaws in the appointment process.

The findings generally indicated that parenting coordination is not universally successful. However, the results are sufficiently encouraging. The strong desire for an alternative to the court process warrants establishing an affordable pilot parenting coordination program within the Court. By addressing participants' concerns and removing perceived barriers to success, the Court can also better support the private provider model.

Key points are:

- Parenting coordination seems to be very effective in reducing litigation.
- Parenting coordination resolves disputes and prevents parental conflict from escalating into “legal” conflict but does not necessarily improve the co-parenting relationship.
- Parents lack understanding about the proper role of a parenting coordinator.
- Parenting coordinators would benefit from learning opportunities tailored for the parenting coordinator role.
- Family law professionals are unfamiliar with the parenting coordination process.
- There is a lack of professional diversity among parenting coordinators.
- Court oversight is needed to support the legitimacy and success of parenting coordination.
- Issues related to parenting coordination fees need to be addressed.
- Parents want an alternative to the traditional adjudicatory process.
- An affordable in-house parenting coordination program would meet the needs of more high conflict parents than the private provider model.

An affordable in-house parenting coordination program has the additional benefit of standardizing the delivery of services in terms of appointment protocols, the rate charged, the background and experience of the coordinator, the duration of the appointment, and the delivery of services that will facilitate follow up effectiveness studies.

Additional research is needed to evaluate the effectiveness of parenting coordination in reducing litigation and minimizing parental conflict compared to other conflict prevention interventions such as parenting education, online communication tools, and court ordered parenting coaching and therapy, and when there is no intervention. More research is also needed to identify family characteristics and program attributes that maximize the benefits of parenting coordination to children and parents. Courts and the legal community should continue to explore

creative, less destructive methods than the litigation model to meet the post-divorce needs of families.

## **Evaluating Parenting Coordination: Does It Really Work?**

### **Introduction**

The Cuyahoga County Court of Common Pleas, Division of Domestic Relations, in Cleveland, Ohio, like courts nationwide, faces a small but stubborn number of “high conflict” cases that return to court frequently over parenting disputes. These cases, which rarely involve true legal issues, resist resolution by conventional means, commandeering scarce court resources and monopolizing court time. These frequent returns to court aggravate the conflict between parents that threatens children’s adjustment and puts them at risk for poor outcomes in life.

The Cuyahoga County Division of Domestic Relations is a trial court of limited jurisdiction serving a population of 1,259,828 (United States Census Bureau, 2015), with five judges and 19 full-time magistrates handling four specialized dockets: marriage termination, post-decree parenting and property division, support, and domestic violence. On average, based on the Ohio Courts Statistical Reports 2012-2014 data, the Court processes 8,010 cases a year. Of these cases, 5,865 involve children, including 2,926 marriage terminations or dissolutions, 930 post decree custody/parenting actions,<sup>1</sup> 1,597 post-decree support modification and enforcement actions, 329 Uniform Interstate Family Support Act (UIFSA) actions, and 113 parentage actions.

The mission of the Domestic Relations Court is “to help families restructure their lives by reaching compassionate and just resolutions to parenting and property disputes” (Cuyahoga County Domestic Relations Court, 2015). While the Court’s principal responsibility is to provide a forum for the fair resolution of legal disputes, its hope is to preserve the family as much as possible. The Court recognizes the value of interdisciplinary collaboration with

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<sup>1</sup> These include proceedings under the Uniform Child Custody Jurisdiction Act.

professionals with backgrounds in the fields of mental health and conflict resolution in achieving this goal.

To that purpose, the Court offers in-house educational, forensic, and settlement-oriented case management services provided by psychologists, social workers, and attorneys. Services are utilized sequentially, beginning with statutorily mandated parenting education for all divorcing parents, followed by court-ordered mediation. If these more benign interventions fail to achieve agreement, cases are referred for home investigation, forensic case management,<sup>2</sup> parenting and psychological evaluation, guardian *ad litem*, and/or child's legal counsel services, sometimes all at once. The Court employs four full-time evaluators and one case manager, contracts with two full-time and two part-time mediators, and appoints from a list of 92 guardians *ad litem* and/or child's counsel. Parents may contract privately for a custody evaluation. Parents and children commonly engage in private individual and family therapy as they move through the court process.

The parents in these highly contentious cases have great difficulty complying with their court ordered parenting arrangements. Their communication is non-existent or dysfunctional to the extent that they are largely incapable of working through differences of opinion without judicial intervention and the expertise of multiple legal and mental health professionals. When issues arise, they resort to the court process as the exclusive means to resolve disputes. Often, these disputes do not involve true legal issues; they are interpersonal conflicts involving anger, distrust, and control. For these parents, the court is the only forum available to manage the everyday transactions that are the stuff of normal parenting.

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<sup>2</sup> Case management services are provided by a staff psychologist who helps facilitate problem-solving and compromise between parents. The case manager also monitors parental compliance with mental health and substance abuse screening and treatment, and progress made with supervised parenting time to aid in transitioning to unsupervised parenting. The case manager functions informally in some respects like a parenting coordinator.

To access the court, parents must make allegations that will successfully invoke the court's continuing jurisdiction. In the quest to present a justiciable "legal issue," parents blame and accuse each other of wrongdoing in harsh language meant to impress the Court with the gravity and magnitude of the situation. Minor disagreements are exaggerated to justify asking for a contempt finding or a change of custody and parenting time arrangements. These requests are often accompanied by demands for "emergency" hearings and *ex parte* orders. Courts typically cannot determine in advance if these motions are reasonably grounded in fact or law. Because courts must protect the interests of children who are unable to act on their own behalf under the doctrine of *parens patriae*, they cannot summarily dismiss these allegations. Erring on the side of caution, they are bound to listen to even the most trivial of disputes.

Once in court, the adversarial process escalates the conflict. This legal tradition has been widely accepted in the U.S. as the best way to elicit truth and ensure accurate decision-making. It rests on the theory that truth is "knowable" and parties should play a major role in a process where the outcome will affect them substantially. Detailed rules of evidence and procedure are expected to ensure fair play and equitable substantive decisions. For all its merits, the adversarial process is poorly suited to resolving the complex relational issues that parenting disputes present. These issues are not prone to a simple win/lose solution. The process, which intrinsically endorses combat, encourages emotionally driven parties to be oppositional and is not conducive to resolving disputes practically and expeditiously. It makes it difficult to preserve long-term relationships between emotionally driven people who feel hostility to each other but must remain entangled because of children. The deliberative nature of the traditional legal process also causes emotional and economic strain on families because it does not lend itself to a swift resolution. Cases can languish in the system, worsening the situation.

The unique nature of domestic relations law with its emphasis on protecting children contributes to the influx of these cases. The “best interest of the child” legal principle must be balanced with parents’ fundamental constitutional rights to the care, custody, and control of their children. Subjective legal standards (“change of circumstances,” “unjust or inappropriate,” “equitable”) are purposely left vague to allow courts to do equity in individual cases, but create uncertainty in predicting outcomes. This provides latitude for parents, who are permitted by statute to seek modifications, to litigate almost anything under the guise of protecting children; the many statutory factors that must be considered in a “best interest” analysis alone are rich with litigation potential. Courts also do not strictly enforce the doctrine of *res judicata*, normally a deterrent to repeated litigation, in the sphere of custody and parenting, where finality of judgments is subordinated to “best interest.”<sup>3</sup> Additionally, the movement away from sole custody and limited visitation arrangements toward shared decision-making and equal access has kept parents in close proximity after separation, creating more opportunity for conflict. This makes domestic relations courts fertile environments for parents to inflict emotional distress upon each other and their children.

Notwithstanding these structural and practical difficulties, the Court strives to process high conflict cases in a timely and efficient manner. Contested parenting matters require the scheduling of multiple conferences and hearings and are labor intensive for judges, magistrates, and court staff. Services are costly for the parties and the Court, and with a limited number of service providers available, can delay resolution for months.<sup>4</sup> While the Court possesses

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<sup>3</sup> Ohio courts are loathe to declare parents who file motions repeatedly vexatious litigators when children are concerned as long as there is some evidence to support the claim, a burden not difficult to meet. *Pisani v. Pisani* (1999); *Catalano v. Pisani*, (1999); but see *Calhoun v. Calhoun*, (2014).

<sup>4</sup> In-house custody and parenting evaluations typically take four months. Outside evaluators can take over a year to issue a report.

excellent case clearance and overage rates overall,<sup>5</sup> (Supreme Court of Ohio, 2012; 2013; 2014) these few cases take considerable time and can easily run over state time guidelines.<sup>6</sup>

Meanwhile, lives are disrupted, parents become more polarized and locked in, and children are caught in a cycle of forensic, guardian *ad litem*, and judicial interviews in addition to the hazardous environment they find themselves in due to the hostility of their parents. Altogether, these cases place large demands on families, community resources, and the entire justice system.

Confronted with these intractable cases, family law professionals have developed a distinctive dispute resolution process to try to spare families from the harmful effects of perpetual conflict and repetitive litigation. Parenting coordination arose to help high conflict parents implement their parenting plans<sup>7</sup> and provide a prompt resolution to time-sensitive disputes as they arise, in a way the traditional court process, designed to provide due process protections, simply cannot. It assumes that disputes concerning plan implementation can be managed more effectively through extra-judicial means and if parental conflict is averted, the well-being of children will be preserved. Parenting coordination holds great promise in reducing the number of chronic cases that frustrate the Court and in better serving parents and children in families that have broken apart.

Other jurisdictions have begun utilizing parenting coordination to assist parents to implement their parenting plans without resorting to litigation. The Ohio Supreme Court

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<sup>5</sup> The overall clearance rate for all case types was 104% in 2014, 102% in 2013, and 99% in 2012.

<sup>6</sup> Under Supreme Court of Ohio time guidelines, contested terminations of marriage where there are children should be resolved within 18 months of filing and post-decree parenting matters should be resolved within nine months of filing. (Ohio Sup.R. Appendix A)

<sup>7</sup> A parenting plan is a document that delineates how parents will raise their children after separation and divorce. Provisions are included concerning parenting time, decision making, child support, transportation and exchanges, vacations and school breaks, health care, medical insurance and expenses, extra-curricular activities, a dispute resolution process, schools, records access, communications, etc.

recently sanctioned the role of a parenting coordinator through its adoption of several Rules of Superintendence for the Courts of Ohio that took effect on April 1, 2014.

Before statewide rules, the Domestic Relations Court appointed parenting coordinators only upon the request and consent of parties, essentially acquiescing to their agreement. These coordinators have been mainly attorneys, with a handful of licensed mental health professionals.

Since the superintendence rules became effective, the Court has established a formal, albeit modest, parenting coordination program, using private providers and has made twelve appointments. Thirteen parenting coordinators (twelve attorneys, one social worker) have applied and been approved to provide services for the Court, although at least 22 attorneys and psychologists have acted as parenting coordinators in the past. Why more have not applied is unclear. A lack of people willing to work with high conflict/high risk individuals and demanding training requirements perceived as onerous may be factors. The Court is considering expanding this fledgling program to provide in-house services to meet the needs of an underserved population of high conflict litigants. The parenting coordination program will supplement the Court's array of case management/dispute resolution services.

The Court's experience with parenting coordination is limited. Before committing to developing an internal component to its program, the Court hopes to gain a better understanding of how the parenting coordination process actually works, and why it works in some cases and not in others, if it works at all. Anecdotal evidence here and in other jurisdictions suggests reduced litigation and positive outcomes for some families but not for others for reasons that are not well understood. For example, there may be certain attributes of parents who do not respond well to parenting coordination. Other variables may operate as barriers to success. These may be associated with weaknesses in the appointment process, the selection of the parenting

coordinator, mismatched practice styles, and the experience of the coordinator. Parenting coordination may also fail if cost is a significant factor, and is out of reach for low- and middle-income parents.

The first goal of this project is to acquire empirical evidence as to the effectiveness of parenting coordination in reducing litigation. To that purpose, the project studies the relationship between parenting coordination and court usage by comparing pre- and post-parenting coordination litigation data, and by comparing litigation data in groups where parenting coordination has been and has not been ordered. The second goal of the project is to gather the views of parents, attorneys, and parenting coordinators as to whether they find the process helpful. This allows for a more fine grained investigation of whether the process is effective in minimizing conflict and improving the parents' ability to co-parent, which is the point of parenting coordination. The third goal of the project is to find out how parenting coordination is practiced locally and identify variables that positively or negatively affect the success of the process. This will provide guidance on how to better support this promising practice in terms of improving the current private provider model and planning the expansion of the parenting coordination program, if appropriate. The project will provide the Court with a baseline of the effectiveness of parenting coordination before regulatory rules.

From a larger perspective, parenting coordination is new to Ohio. Courts in Ohio and in other jurisdictions considering establishing parenting coordination programs, judges and magistrates considering appointing parenting coordinators, attorneys counseling clients to consider parenting coordination, guardians *ad litem* and custody/parenting evaluators making recommendations for parenting coordination appointments, and persons considering becoming parenting coordinators may find these results useful.

With the growth of parenting coordination, the Court hopes to experience a measurable reduction in cases that dominate its time and resources. The expectation is that a strong parenting coordination program will free up court time and resources to address more serious cases, and ultimately translate into faster dispositions and improved clearance rates for the post-decree parenting docket, improving rates overall. While the Court is concerned with efficiency, it is important to remember that its chief objective is to assure the well-being of children.

In considering the above questions, the meaning of “high conflict” in parenting cases and the implications of exposure to persistent parental conflict for children in the literature is explored. The shortcomings of the adversarial model as applied to parenting matters and the adoption of a therapeutic approach by domestic relations courts as part of the movement toward problem solving courts is discussed. The development of the concept and practice of parenting coordination and Ohio law relating to parenting coordination is summarized. Focus is given to the distinguishing features that characterize the special nature of the role of parenting coordinator that have caused debate. The literature review also includes a close look at previous research that has sought to measure the effectiveness of parenting coordination through methodology similar to that used in this project. This will provide background and a basis to put the research project in context.

A description of the research design and methods chosen to capture data is included with an explanation of why this methodology most accurately assesses the effectiveness of the parenting coordination process. Data collection steps for the two sources of data, archival case records and opinion, are set forth in detail. The results of each data collection method follows with findings interpreting their meaning and significance in relation to each other. The paper concludes by offering conclusions and recommendations through the lens of the author’s

experience as a domestic relations court magistrate who handles high conflict cases and is trained in parenting coordination. Suggestions are made for further research in this area.

## Literature Review

### Effect of Parental Conflict on Children

The effects of divorce on children have been studied extensively since divorce rates began rising in the last century (Amato, 2000). While children are resilient and can endure fundamental changes in family structure due to divorce and even death, and most children adapt normally, divorce can have a detrimental impact and children of divorce are at risk of suffering serious harm (Amato, 1994; Emery, 1999; Kelly, 2002). Research showing the potential negative effects of divorce on children is abundant. As a group, these children are likely to have significant adjustment, academic, and relationship problems, and exhibit indications of psychological maladjustment, lower academic achievement, social difficulty, and poor self-esteem (Amato, 1994; Amato, 2000; Hetherington, 1999). They also show higher levels of anxiety, depression and disruptive behavior, poor self-concept and functioning (Grych, 2005), than children whose parents stay married.

Many forces contribute to the risk these children face. These include loss of contact with a parent, stress of adjusting to changing living situations, lack of psychological resources, parents' psychological health and parenting ability, and economic decline (Amato, 1994; Kelly 2002). While all of this plays a role, exposure to high levels of conflict between parents has consistently been identified as an important and perhaps the best predictor of poor outcomes for children (Amato, 2000; Henry, Fieldstone, & Bohac, 2009). Poor outcomes include conduct disorders, aggression, delinquency, antisocial behavior, depression, anxiety and withdrawal (Grych & Fincham, 1990).

Not all parental conflict is harmful. Parental conflict which children are not privy to ("encapsulated conflict") does not affect well-being (Hetherington, 1999). Overt conflict

witnessed by children is an obvious stressor (Amato, 1994) but children can also be exposed to conflict in subtle and covert ways (Greenberg, Gould, Schnider, & Gould-Saltman, 2003). The type of conflict most harmful for children's adjustment involves physical violence or unresolved conflict in which they feel caught in the middle (Hetherington, 1999; Grych, 2005; Greenberg, Gould, Schnider, & Gould-Saltman, 2003). The intense conflict produced by the destructive strategies and tactics that are common in adversarial custody disputes is especially likely to cause serious emotional harm and behavioral problems in children (Hetherington, 1999; Hetherington & Kelly, 2002; Kelly, 2002).

The destructive maneuvers and behaviors these campaigns engender are myriad. Anyone acquainted with high conflict custody fights knows they can get ugly quickly. Scorched earth policies that include filing unnecessary motions that require frequent court appearances to cause the other party to risk losing employment; requesting excessive discovery to intimidate a party and drive up costs; hiding information or providing misinformation; and filing frequent requests for continuances are classic abuses. Aggressive advocacy can degenerate into rude and uncivil conduct that effectively bullies and frightens parties and witnesses. In the course of these disputes, children are often exposed to demeaning comments about the other parent. They witness arguments. They may be shown legal papers. They may be required to carry hostile messages over adult matters like child support. They may be used as emotional support and to discuss problems with the other parent. They may be kept from seeing the other parent and subjected to interrogation about the lifestyle and home of other parent for information that can be used as evidence in court. They may be pressured to take sides and demonstrate loyalty by telling the judge bad things about the other parent. Their communications may be recorded. Children have been forced to keep diaries and provide affidavits stating with which parent they

wish to live. These are but a few of the experiences they routinely suffer. Unable to stop the conflict, children respond by feeling angry, frustrated, fearful, helpless, resentful, suspicious, nervous, and apprehensive.

The harmful effects of parental conflict on the adjustment and emotional well-being of children are persistent (Ayoub, Deutsch, & Maraganore, 1999). Children who have been exposed to prolonged conflict are at risk of developing emotional and behavioral problems throughout their lives, not just during the exposure (Grych, 2005; Grych & Fincham, 2001).

Conflict during divorce, while the romantic and economic partnership is dissolved, is inevitable. For most couples, the acute hostility they feel toward each other during the court process subsides with time as they adapt to the changes in their lives. Most parents reduce or end their conflict within two to three years after separation (Wallerstein & Kelly, 1980; Johnston & Roseby, 1997; King & Heard, 1999), but a sizable minority remain in high conflict long after the divorce (Coates et al., 2004; Maccoby & Mnookin, 1992). Estimates of the percentage of divorcing parents who persist in serious parental conflict vary, from 8% to 10% of parents at two to three years (Kelly, 2002, King & Heard, 1999); 10-15% (Grych, 2005); 10-25% (Johnston & Roseby, 1997); 15%-20% at two years (Hetherington, 1999), 20% to 25% at three to four years (Maccoby & Mnookin, 1992); up to 30% three to five years after divorce (Ayoub, Deutsch & Maraganore, 1999). However large the group may be, the children exposed to the prolonged conflict engendered by this minority are the most likely to suffer significant enduring harm.

### **Meaning of “High Conflict”**

“High conflict” is a subjective concept. Defining it in connection with court proceedings in an objective, measurable way is challenging. “High conflict relationships,” “high-conflict

parents,” “high conflict families,” and “high-conflict couples,” terminology used to describe this constellation of cases, are all too familiar to those who work in the family law system.

Although many have described the concept, there is no strict definition or consensus on why cases become high conflict.

What is the definition of “high conflict” as it pertains to parental separation or divorce? Defining high-conflict families is difficult, since the character traits of these families can vary. Judges and professionals working with these families often echo Justice Potter Stewart’s statement when he tried to explain “hard-core” pornography that, “I know it when I see it” (*Jacobellis v. Ohio*, 1964). Courts and lawyers call them the “fat file” cases where pleadings fly fast and furiously between the parties, and the case files become thicker, taking up more physical and human resources. Professionals, researchers and court personnel acknowledge that these cases differ from those that exhibit a degree of upset more typically associated with parental separation and divorce (Department of Justice of Canada, 2001). Most simply stated: these parents are engaged in intractable conflict that is ongoing and unresolved and that intensifies after the divorce or separation rather than diminishing.

High conflict parents continue to litigate and re-litigate over minor and inconsequential issues generated by their need to control or punish each other, often obstructing access to their children. These parents navigate from one attorney to another, file multiple motions over child-related rather than legal issues, and over-or-misuse the legal and child welfare system to pound the other parent with threats and allegations. The court’s valuable time is drained from such minor issues as one-time changes in the parenting time schedule, telephone access, vacation planning, and decisions about the children’s after-school activities, health care, child care and child-rearing practices (Coates, Deutsch, Starnes, Sullivan, Sydlik, 2004). Sometimes it is one very dysfunctional parent who exacerbates the conflict; more often both parents are involved in maintaining their high level of discord. Domestic violence and abuse may also be present, but is not a feature in all high-conflict families. (Fieldstone & Coates, 2008, p. 9)

The American Bar Association, in its influential 2001 “Wingspread Report and Action Plan: High-Conflict Custody Cases: Reforming the System for Children,” described the concept as deriving not only from parents but also from the legal system and third parties who fuel the conflict:

High conflict custody cases are marked by a lack of trust between the parents, a high level of anger and a willingness to engage in repetitive litigation. High-

conflict custody cases can emanate from any (or all) of the participants in a custody dispute – parents who have not managed their conflict responsibly; attorneys whose representation of their clients adds additional and unnecessary conflict to the proceedings; mental health professionals whose interaction with parents, children, attorneys, or the court system exacerbates the conflict; or court systems in which procedures, delays, or errors cause unfairness, frustration, or facilitate the continuation of the conflict. High-conflict cases can arise when parents, attorneys, or mental health professionals become invested in the conflict or when parents are in a dysfunctional relationship, have mental disorders, are engaged in criminal or quasi-criminal conduct or substance abuse, or there are allegations of domestic violence or child abuse or neglect. (Ramsey, 2001, p. 146)

Ahrons' (1994) construct in which she classifies post-divorce co-parenting relationships into five types along a continuum ranging from amicable to hostile is useful in describing why some parents are high conflict. The level of conflict is distinguished by the parents' style of communication and interaction, and ability to disengage appropriately after the marriage ends. At one end are the "perfect pals" (high interactors/high communicators) who stay well connected and help each other out as friends, and "cooperative colleagues" (moderate interactors/high communicators) who are not "friends" but do talk often about the children and have the ability to separate their marital relationship issues from their parenting relationship, and put their children first. At the other end are "angry associates," (moderate interactors/low communicators) who let their anger about the past spread into unrelated issues. They are tense and hostile, or openly clash with each other, and are dissatisfied with how things were going. At the far extreme are "fiery foes" (low interactors/low communicators) who rarely interact, and usually wind up fighting if they communicate at all. They are extremely litigious, and continue their legal battles years after the divorce. They are unable to make arrangements for their children without arguing, and rely on others to settle their disagreements. They focus on the wrongs they have suffered and are always building their case. "Dissolved duos" technically have no co-parenting

relationship as they are completely disconnected. In Ahrons' view, the ability to disengage and put children first is what sets true co-parents and high conflict parents apart.

Sullivan (2008) describes the traits of those parents who litigate and those who co-parent in the following ways:

**Figure 1. Comparison of High Conflict Litigators and Co-parents**

Characteristics of Litigants and Coparents	
Litigants	Coparents
Representation-advocacy	Self-representation - parenting
Distrust	Trust
Sabotage of coparent	Support of coparent
Win/lose	Give and take
Chaos	Structured flexibility
Avoidant and crisis-oriented	Proactive and planful
Unilateral action	Collaborative action
"In the name of the child"	Child-focus
Blame	Problem-solving
Depleted resources	Conservation of resources

Eddy (2012) asserts that high-conflict legal disputes are driven more by personality than by legal or financial issues. He describes individuals with "high conflict personalities" as having exaggerated emotions and repeatedly engaging in inappropriate behavior. They typically deny responsibility for their problems, place blame on others, persist long after others let go, and make minor problems into major disputes (p. 13). In his view, courts attract individuals with personality disorders, or traits of personality disorders, because the court process resembles their thought structure. The commonalities of high conflict personalities and the adversarial nature of

the court process make court proceedings, particularly domestic relations matters, the ideal environment to play out the drama<sup>8</sup> (p. 40).

Friedman (2004) cautions that labeling parents as high conflict is problematic, and can be misleading, because it implies that both parents are equally driving the conflict, when it can be that one parent is unilaterally creating and maintaining the quarrel. He warns that the concept can be misused to justify an award of sole custody, resulting in a miscarriage of justice and the child's deprivation of a parent (p. 115).

### **Rise of Alternatives to Traditional Court Process in Family Cases**

The U.S. justice delivery system is a highly evolved and complex operation, designed to protect the fundamental rights of individuals according to law. It is a past-oriented, one-size-fits-all process geared toward a one-time ruling that is supposed to resolve the legal dispute permanently. While it performs admirably in certain contexts, its application in child custody cases has been criticized as overly legalistic and insensitive to human needs, more likely to create than to solve problems.

As Firestone and Weinstein (2004) observe:

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<sup>8</sup> Eddy notes the following characteristics that courts and high conflict personalities share:

- Assigning blame fits with HCPs' (high conflict parent's) lifetime preoccupation of blaming others
- Holding someone responsible allows HCP to avoid taking responsibility
- Guilty or not guilty choice fits with HCPs' all-or-nothing thinking
- Ability to be center of attention and sympathy fits with HCPs' always seeking attention and sympathy
- Ability to bring numerous advocates to court fits with HCPs' aggressively seeking allies to the cause
- Ability to argue or testify in dramatic, emotional extremes fits with HCPs' speaking in dramatic emotional extremes
- Ability to give testimony on past behavior of others fits with HCPs' focusing intensively on others' past behavior
- Court as the place to impose maximum punishment fits with HCPs' punishing those guilty of hurting them
- Getting the court to solve one's problems fits with HCPs' trying to get others to solve their problems
- Lying (perjury) is rarely acknowledged or punished fits with HCPs' view that it is okay to lie if they feel desperate

The best interests of children in divorce and child protection cases have become defined as primarily a legal problem; in reality, they are much more complex psychological, social, and legal problems that typically become intertwined into other issues such as child support. Family relationships have become “legalized” in such a way that the system loses sight of the human problems in context and focuses only on addressing answers to the legal issues. The failure to better examine family problems contextually results in little recognition for the ecological perspective of family dynamics. Greater understanding of cultural mores, for example, has no place in a system bound by the act of fitting evidence into the fixed definitions of a statute. The law is not the appropriate forum for assisting dysfunctional families to function better. Resolution of the legal case often does little to improve or resolve the underlying family dynamics. (p. 203)

Shear (2008) points out that the very elements that legitimate the adjudicative process – transparency, due process, and accountability – conversely, make it costly and time consuming for parents. Due process rights that are held dear, such as to retain an attorney, to disclosure of opposing evidence, to cross-examine adverse witnesses, if fully exercised can result in many costs, including expensive attorney and expert witness fees, court costs, and excessive time off work that the average parent can ill-afford. Rules of evidence meant to assure reliability circumscribe the information available for decision-making. Zealous advocacy meant to convince a fact finder of a client’s version of truth can turn into a “no holds barred” game and destroy ongoing relationships. Decision makers with enormous power to affect lives are often inadequately trained on the non-legal aspects of family problems. Decisions are frequently delayed. At the same time, in elevating rights over interests, the legal system disempowers and dehumanizes the participants. Children become involved in litigation and the use of mental health services can be compromised (Firestone & Weinstein, 2004).

It can reasonably be argued that the application of the adjudicative process has contributed to an erosion of public confidence, and the dim view the public holds of the legal system (Jones, 2015), the divorce process in particular.

Dissatisfaction with the adverse effects of the traditional legal process (“juridogenic harm”)<sup>9</sup> in domestic relations matters has led to an explosion of interest in extra-judicial dispute resolution processes. Recognizing that the legal system is not the appropriate venue to solve complex family problems, researchers and mental health and conflict resolution professionals have long sought solutions that are more beneficial and satisfying than what the court process offers. Court administrators have begun urging that courts adopt a restorative, problem-solving approach (Conference of State Court Administrators, 2002). Attorneys too are increasingly skeptical of the logic of applying an adversarial approach in cases involving children. The institutionalization of mediation, and more recently, the growth of early neutral evaluation and the collaborative law movement attest to the collective desire in the reform-minded family law community to find more holistic ways to handle disputes involving families. In their proposal to transform the system, Firestone and Weinstein (2004) argue that it is time to consider replacing the adversarial, rights-based model to address disputes arising out of the husband-wife relationship with a comprehensive dispute resolution design based on an understanding of needs.

At the same time, overburdened courts are looking for ways to lessen their load as the nature of the disputes for which parents seek redress expands. No longer are courts limited to making basic custody and placement awards. Today, courts are routinely asked to pass judgment on the minutiae of sharing decision-making and parenting time. Warring parents want the courts to decide which extracurricular activities children will enroll in, where they will attend school, what medication they will take, and the procedure parents will use to communicate with each other about their children. The issues brought to court these days are infinite. Like it or not,

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<sup>9</sup> This author defines juridogenic harm as the unintended adverse consequences and loss of well-being resulting from involvement in the legal system. It includes emotional harm as well as depletion of financial resources.

courts have become immersed in the intimate details of family life in cases that are never truly final until the youngest child reaches majority.

The Wingspread Conference highlighted the need for the family law community to work collaboratively to adopt new research-supported models for resolving family disputes that focus on the welfare of children. “The goal of the family law system should be to give the parties the tools to restructure their lives after the immediate case. Central tenets of this system should be to reduce conflict, assure physical security, provide adequate support services to reduce harm to children, and enable the family to manage its own affairs” (Ramsey, 2001, p. 147). Wingspread called upon those who possess the greatest power to influence the conduct of high conflict custody cases – mental health professionals, lawyers, and judges – to bear primary responsibility for preventing or reducing conflict.

In the last decade, domestic relations courts have invested heavily in developing internal or court-connected programs that better meet parents’ needs. Almost all courts now offer services to assist with parenting issues. Some are investigative and forensic in nature; others are dispute resolution processes that serve as alternatives to trial. These include divorce education programs, children’s education programs, and custody mediation. For the more chronic high conflict cases, parenting arbitration, and advanced education and skill building group programs are slowly becoming available (Kelly, 2002). A comprehensive court services program might include brief focused evaluation, parent education, social investigation, mediation, parenting coordination, supervised visitation, early family court triage, custody and parenting plan evaluations, problem-solving, high-conflict interventions, and crisis assistance (Fieldstone, 2014). Courts are also turning to technology by way of online interactive education programs and communication tools such as Up to Parents, Children In Between, and Our Family Wizard.

The growth of this wide spectrum of interdisciplinary services suggests that domestic relations courts are indeed turning toward the therapeutic, problem solving orientation prevalent in drug and mental health courts (Conference of State Court Administrators, 1999). Domestic relations courts are working together with child development, mental health, and conflict resolution professionals and blending their expertise to develop new interventions (Deutsch, 2008) aimed at resolving the root problem that foments conflict with the goal of improving not only the quality and speed of justice but the overall functioning and well-being of families. Courts are coming to accept that their purpose and responsibility to provide a forum for dispute resolution must encompass more than simply providing a trial. In this way, courts are redefining their role as a judicial institution.

### **Development of Parenting Coordination**

The organized movement toward a parenting coordination model began in the early 1990s simultaneously in Colorado and California. Attorneys and mental health professionals in Boulder began discussing ways to handle high conflict families, and courts in Marin and Santa Clara counties began delegating their decision-making power in parenting cases to expert special masters (AFCC, 2003; Lee, 1995; Shear, 2008, Sullivan, 2013). The concept was developed in the early 2000s as a project of the Association of Family and Conciliation Courts (AFCC), which appointed a Task Force on Parenting Coordination and Special Masters (AFCC, 2005).

The Task Force initially planned to establish model standards of practice. Because parenting coordination was so new and varied greatly across jurisdictions, it concluded that a comprehensive set of mandatory, enforceable standards was premature, and, instead, published *Guidelines for Parenting Coordination* in 2005. As aspirational guidelines, they were meant to

help the profession develop systematically and facilitate a high level of practice. The *Guidelines* set forth parameters as to the ethical obligations and conduct of parenting coordinators and provider qualifications (relevant education, training and experience) to assist jurisdictions, professional organizations, education institutions, and professionals considering developing and implementing parenting coordination programs.

The AFCC *Guidelines* (2005) defined parenting coordination in this way:

Parenting coordination is a child-focused alternative dispute resolution process in which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs, and with prior approval of the parties and/or the court, making decisions within the scope of the court order or appointment contract. (p. 2)

The American Psychological Association followed with its own definition and *Guidelines for the Practice of Parenting Coordination* in 2012 for psychologists who practice parenting coordination:

Parenting coordination is a nonadversarial dispute resolution process that is court ordered or agreed on by divorced and separated parents who have an ongoing pattern of high conflict and/or litigation about their children. (Coates, Deutsch, Starnes, Sullivan, & Sydlik, 2004; Deutsch, Coates, & Fieldstone, 2008; Kelly, 2002; Kelly, 2008). The underlying principle of the parenting coordination intervention is a continuous focus on children's best interests by the PC in working with high-conflict parents and in decision-making.

Parenting coordination is designed to help parents implement and comply with court orders or parenting plans, to make timely decisions in a manner consistent with children's developmental and psychological needs, to reduce the amount of damaging conflict between caretaking adults to which children are exposed, and to diminish the pattern of unnecessary relitigation about child-related issues. (p. 64)

The AFCC guidelines serve today as a blueprint for the implementation of a parenting coordination model.

In its preliminary report, the AFCC Task Force (2003) identified the following as matters that must be addressed before a parenting coordination model could be successfully implemented:

- Statutory authority<sup>10,11</sup>
- Appointment of the parenting coordinator<sup>12</sup>
- Timing of the parenting coordinator intervention in the proceeding and jurisdictional issues<sup>13</sup>
- Term of appointment, removal and resignation<sup>14</sup>
- Areas of parenting coordinator decision making authority<sup>15</sup>
- Confidentiality and *ex parte* communications<sup>16</sup>
- Access to non-parties, children and privileged information<sup>17</sup>
- Referral for third party services<sup>18</sup>
- Allegations of domestic violence<sup>19</sup>
- Parenting coordination proceedings<sup>20</sup>
- Parenting coordinator compensation<sup>21</sup>
- Parenting coordinator qualifications and training<sup>22</sup>

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<sup>10</sup> Specific legislation, utilization of existing related statutes and statewide or local court rules for guardians *ad litem*, arbitrators, mediators, special masters, or inherent powers.

<sup>11</sup> See Shear, 2008, on the pitfalls of utilizing related laws designed to govern judicial reference, mediation, child custody evaluation, expert witness appointments, and arbitration as the legal basis for parenting coordination.

<sup>12</sup> By court order or stipulation, and findings required to justify appointment.

<sup>13</sup> Post-decree to implement existing parenting plan, or pre-decree to assist in developing a plan plus post-judgment implementation; continuing jurisdiction when no active case is pending.

<sup>14</sup> Duration, removal for good cause or by stipulation.

<sup>15</sup> Preclusion from changing custody, relocation, substantial alteration of existing access schedule, child support/financial matters and religion.

<sup>16</sup> Testimony, privilege, access to records, and confidentiality when parenting coordinator is subject to mental health board ethical rules.

<sup>17</sup> Schools, physicians, guardians *ad litem*, evaluators, family members, orders and pleadings, releases.

<sup>18</sup> Examinations, drug testing, psychotherapy, supervised parenting time.

<sup>19</sup> Training, screening, referrals.

<sup>20</sup> Joint/individual, informality, making a record, method of communication.

<sup>21</sup> Fee rates, ability to pay, by agreement, alteration of payment responsibility when process abused.

- Submission and objection to parenting coordinator recommendations/reports<sup>23</sup>
- Judicial review<sup>24</sup>
- Immunity<sup>25</sup>
- Risk management.<sup>26</sup>

The professional literature relating to parenting coordination has grown considerably since AFCC first tackled the issues. Research has largely been devoted to exploring what parenting coordination actually is and discussing the complex legal issues it presents.

Writers have examined the legal issues confronting the field, and provided a description of cases that can benefit from parenting coordination, a judicial view of the pros and cons, and a discussion of the essential aspects of practice (Coates, et al 2004); explored the nuts and bolts of parenting coordination and ways attorneys can utilize the process (Bacher, Fieldstone, & Jonasz, 2005); reviewed risk management and aspirational ethics related to parenting coordinator practice (Kirkland & Kirkland, 2006); compared the growth of the parenting coordination role across jurisdictions to determine norms regarding characteristics of the parenting coordination process (Kirkland, 2008); provided an overview of the process that delineated the parenting coordinator's roles and functions and outlined the process for the decision-making and non-decision-making components (Fidler & Epstein, 2008); examined the legal and social policy considerations relevant to developing stipulated orders where there is no statutory basis for appointment of a parenting coordinator (Shear, 2008); explored co-parenting patterns after divorce to suggest reasons why the role might be effective in assisting high conflict parents

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<sup>22</sup> Minimum standards of competency, formality and extent of education and training, degree.

<sup>23</sup> In writing, filing with court.

<sup>24</sup> Process and standard of review for decisions.

<sup>25</sup> Quasi-judicial.

<sup>26</sup> Ethics, malpractice risks, complaints to licensing board.

(Sullivan, 2008); surveyed parenting coordinators in U.S. and Canada as to practice characteristics (Kirkland & Sullivan, 2008); examined the roles and functions of parenting coordinators (Hayes, 2010); compared the key characteristics of parenting coordination in state statutes (Parks, Tindall, & Yingling, 2011); investigated parenting coordinator demographics, training, practices and parenting coordinator perceptions of clients throughout the process (Fieldstone, Carter, King & McHale, 2011); examined parenting coordination through contextual influences (Hayes, Grady, & Brantley, 2012); explored the attitudes and expectations toward the parenting coordination process held by the judiciary, attorneys and PCs (Fieldstone, Lee, Baker, & McHale, 2012); and investigated which aspects of parenting coordinator practices are effective (Belcher-Timme, R, Shorey, Belcher-Timme, Z, & Gibbings, 2013).

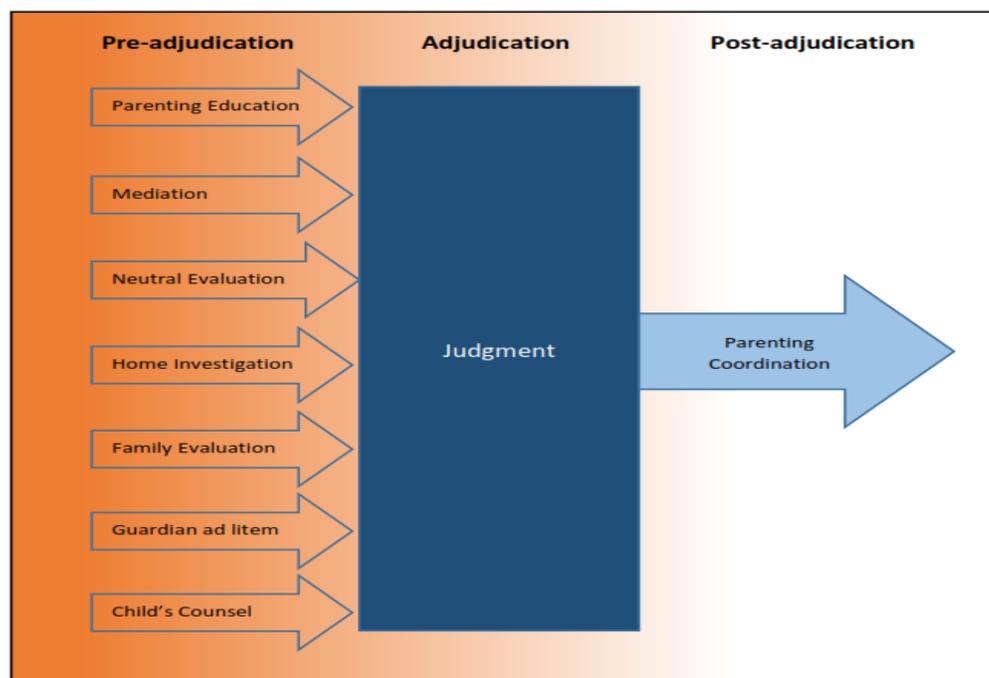
Through these efforts, the conceptual framework of parenting coordination is much better understood.

### **Features of Parenting Coordination**

The last fifteen years have shown parenting coordination to be a complex and distinctive process that integrates the fields of law, mental health, and conflict resolution, that is practiced by attorneys, psychologists, and social workers. It is at once an intervention, a dispute resolution process, and an innovative form of case management. It differs from traditional alternative dispute resolution processes and forensic services, which are employed pre-adjudication, in that it is designed to address the needs of the parties, post-judgment (Belcher-Timme, et al., 2013). In contrast to the court process, which culminates in a one-time ruling, it is ongoing until terminated. Services are provided informally without making a record, in a non-adversarial but court-sanctioned environment on an as-needed basis. The parenting coordinator is available but actively involved only insofar as the parents seek help.

Figure 2 below diagrams the point in time when parenting coordination is implemented.

**Figure 2. Pre- and Post-Adjudication Services**



The five major functions of parenting coordination are (1) education, (2) conflict management, (3) assessment, (4) coordination/case management, and (5) decision-making. (Hayes, 2010) The parenting coordinator is charged with implementing an existing parenting plan, ensuring compliance with the plan, and resolving issues in a timely manner. The disputes a parenting coordinator may appropriately address are ancillary matters, not involving changes in legal decision-making or permanent modifications of parenting time. Ideally, a parenting coordinator will possess expertise in conflict resolution theory and techniques, including mediation; child development and psychology, including adjustment to divorce; family dynamics and family systems theory; domestic relations law; the dynamics of domestic violence and associated safety and intervention considerations; and parenting education and techniques (AFCC, 2005).

To comprehend fully the nature of the dispute presented, the first task of a parenting coordinator is to gather information from the parents and, if appropriate, collateral sources. The coordinator then works to educate and facilitate the communication of the parents to help them reach a solution. If the parents reach impasse, a parenting coordinator will proceed to make an arbitratative decision that is as binding as one issued by a court of law (Deutsch, R., Coates, C. & Fieldstone, L., 2008). This progression may occur over the course of time or within a single session, depending on the nature of the dispute. Decisions remain in effect unless set aside by a court through a formal review proceeding (Deutsch, R., Coates, C. & Fieldstone, L., 2008). There is no judicial involvement unless an appeal is filed. The intervention is thus gradual, with the parenting coordinator taking greater control, only if necessary.

Figure 3 illustrates the progressive nature of the parenting coordination process.

**Figure 3. Phases in Parenting Coordination**



The nature of the child-related disputes that parenting coordinators are typically required to manage cluster around the day-to-day details of schedules; minor changes in parenting time; telephone; exchanging children; holiday and vacation planning; decisions about children's after-school activities and activities scheduled on the other parent's time without notice; appropriate child rearing practices; child care; make up time when a parent travels for business; schooling; and family traditions (Kelly, 2002; Coates, 2004). Issues that are more serious involve appropriate management of children's health care, integrating children's wishes about summer extracurricular activities and camps with each parent's wishes and vacation plans, and

determining when young children are capable of more extended contact with the nonmoving parent in relocation cases (Kelly, 2002).

The singular feature of parenting coordination is its fusion of multiple roles that are played concurrently by a single individual (Fidler & Epstein, 2008). Parenting coordination is a hybrid process that possesses educative, investigative, evaluative, therapeutic, mediative and arbitrative components, but it is not therapy, mediation, or arbitration, which are pure stand-alone processes (Hayes, 2010). Parenting coordinators assess and evaluate but their purpose is not to provide an evaluation or engage in therapy. Mediation techniques are employed but communications are not necessarily confidential and involvement may not be voluntary. Information can be sought from collateral sources. Many parenting coordinator are attorneys but there is no attorney-client relationship, no legal privilege, and they can provide no legal advice or draft documents. The subject matter is subject to discovery, and coordinators may provide fact testimony in subsequent legal proceedings between parents. Unlike binding arbitration, decisions are made only when other techniques fail and are always appealable *de novo*.

Parenting coordinators thus requires a special set of knowledge, skills, and abilities to be effective. Figure 4 expresses the intersection of disciplines that is parenting coordination.

**Figure 4. Multidisciplinary Role of Parenting Coordinator**



Parenting coordinators play an important role in the justice system and they hold considerable power. No other court appointee works as independently. The delegation of the court's exclusive decisional powers to someone who is not a member of the judiciary, particularly when parents do not voluntarily submit to the process, presents serious due process concerns. The arbitral aspect of the parenting coordination process especially has made it controversial in some jurisdictions.

These concerns led to the abolishment of parenting coordination in Pennsylvania in 2013. The authority to appoint a parenting coordinator had been established five years earlier through case law (*Yates v. Yates*, 2008). Although it could have restricted the parenting coordinator's authority and preserved the process, the Supreme Court of Pennsylvania adopted a rule of procedure that emphatically declared that the authority to make decisions in child custody cases rests with the judiciary alone and cannot be abdicated:

Only judges may make decisions in child custody cases. Masters and hearing officers may make recommendations to the court. Courts shall not appoint any other individual to make decisions or recommendations or alter a custody order in child custody cases. Any order appointing a parenting coordinator shall be deemed vacated on the date this rule becomes effective. Local rules and administrative orders authorizing the appointment of parenting coordinators also shall be deemed vacated on the date this rule becomes effective. (Pa. R. Civ.P. 1915.11-1.11-1)

The Florida parenting coordination statute, as initially enacted, met a similar fate in 2004. Then Governor Jeb Bush explained his veto:

I applaud the dedicated efforts of many whose mission is to identify alternatives to assist families in conflict. I also recognize that some circuit courts are currently utilizing parenting coordinators without statutory authority, and I commend them for seeking legislative direction.

While the intent of the bill is laudable, I am vetoing the bill for the following reasons:

1. I am concerned that the bill does not adequately protect families as they try to resolve their conflicts. By authorizing courts to require families to use parenting coordinators, this legislation allows the judicial branch to order parenting coordination without the consent of all parties involved.
2. I share the concerns expressed by domestic violence advocates that this bill fails to provide adequate safeguards for victims of domestic violence.
3. I cannot approve legislation that delegates judicial authority to a parenting coordinator and which allows these parenting coordinators to serve in the dual role of judge and jury of parents' or children's rights.
4. I am concerned about funding these parenting coordinating programs in the future.
5. I believe that parenting coordinators should serve as volunteers and not be limited to an exclusive class of licensed professionals. (Bush, 2004)

Since 2009, Florida statutes have permitted courts to order parenting coordination but the authority to make limited decisions within the scope of the court's order of referral requires the prior approval of the parents (Fla. Stat. § 61.125).

### **The Spread of Parenting Coordination**

Parenting coordination is becoming popular although it is hardly mainstream. It is practiced in two-thirds of the states and some Canadian provinces (Fidler, B.J., 2012; Fidler & Epstein, 2008). As of 2011, 11 states had authorized the practice through legislation (Mashburn, S.B., 2015 citing Parks, et. al., 2011). These were Oklahoma, Idaho, Oregon, Colorado, Texas, North Carolina, Louisiana, Vermont, Florida, Maine, and South Dakota (Fidler, B.J., 2012). Maine, however, repealed its parenting coordination statute in 2014 (ME Rev Stat, Title 19-A §1659, sub-§9, 2013). Arizona, California, Georgia, Kansas, Minnesota, New Mexico permit parenting coordination through use of a related statute or state rule (Fidler, B. J., 2012). Individual courts in other states may be using parenting coordination less formally, through local

rules or private consent agreements (Fidler, B.J., 2012, Belcher, 2013). The practice has not been formally developed outside North America, although reportedly there is international interest in the concept (Fieldstone, et al., 2011).

### **Development of Parenting Coordination in Ohio**

A concerted effort to bring parenting coordination to Ohio took place in 2001 when attorneys and mental health professionals in Columbus began working to construct a pilot program in Franklin County that would be functional under existing statutes and court rules (AFCC, 2003). Project members concluded that parenting coordination could be ordered pursuant to the Ohio Arbitration Act and Ohio Sup.R. 15(B)(1), which allowed courts with domestic relations and juvenile jurisdiction to refer a pending case or designated issue to arbitration (AFCC, 2003). Because the court's jurisdiction over future disputes must be invoked by subsequent motion and the rule allows only active cases to be referred to arbitration, consent of the parents would be required to get around these obstacles (Franklin County Parenting Coordinator Pilot Project, 2002). The most formidable challenge identified was the creation of local standards for the experience and training of candidates, taking into account the level and cost of skills required for a parenting coordinator to be competent and effective (Franklin County Parenting Coordinator Pilot Project, 2002).

The project came to a halt after the Supreme Court of Ohio held that matters of child custody and parental visitation in domestic relations cases are not subject to arbitration and the "authority to resolve disputes over custody and visitation rests exclusively with the courts." The parents in *Kelm v. Kelm* (2001) had included a provision in their agreed shared parenting plan to submit future child custody or visitation disputes to arbitration. When one parent later filed to

modify or terminate the plan, the other parent sought to compel arbitration. The Court held that such agreements are void because the use of arbitration to resolve such disputes conflicts with the exclusive power of the domestic relations courts to protect the best interest of children. The Court observed the goal of arbitration was to provide the parties with a relatively expeditious and economical means of resolving a dispute with the additional advantage of unburdening crowded court dockets. It reasoned that a two-stage procedure consisting of arbitration followed by the opportunity for *de novo* judicial review frustrates the parties' expectation of finality, and is wasteful of time and expense resulting in duplication of effort. "Clearly, it does not seem advantageous to the best interests of children that questions of custody be postponed 'while a rehearsal of the decisive inquiry is held'."

Nonetheless, without an express legal prohibition against parenting coordination *per se*, some Ohio courts did appoint parenting coordinators. The authority relied on to make these appointments is unclear but is apparently based on the consent of the parties. The only reported case that upholds a parenting coordinator appointment came out the year before *Kelm*<sup>27</sup> (*Beatley v. Block*, 2000). The three other cases related to parenting coordination involve issues of contempt against the parenting coordinator and termination of the appointment due to indigence of a parent (*Toth v. Toth*, 2013), testimony of a psychologist parenting coordinator (*Eitutis v. Eitutis*, 2011), and dual appointment of a guardian as a parenting coordinator (*Myers v. Myers*, 2010). These cases highlight the need for clear legal authority to appoint a parenting coordinator, and the need for clarity regarding the role.

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<sup>27</sup> In this case the appointment of a parenting coordinator in a high conflict case after entry of the final decree was upheld; the trial court did not abdicate its judicial responsibility and the parenting coordinator did not usurp the role of the trial court because the parenting coordinator had no authority to evaluate custody. It is unclear if the appointment was by consent of the parents.

Thirteen years after *Kelm*, Ohio courts became explicitly authorized to order parenting coordination with 13 new rules of superintendence (Appendix 1) based on AFCC guidelines that took effect on April 1, 2014, eliminating the need to utilize related rules and statutes as a legal basis. These rules came as part of a larger movement to reform Ohio's family law system. The Ohio legislature's Task Force on Family Law and Children, in its 2001 report, *Family Law Reform: Minimizing Conflict, Maximizing Families*, had recommended that Ohio adopt a court rule that would permit the appointment of a parenting coordinator in post-decree high conflict parenting function and responsibility disputes.

The goal of the Task Force is to limit high conflict parents from excessive use of the courts as their private battleground, and, instead, create another option for these highly conflicted parents to resolve their differences with the assistance of a neutral. The objective is for high conflict families to have a quicker and less expensive mechanism for resolving problems. This recommendation is made in recognition of the fact that some individuals will return to court to have even minor disputes resolved on a regular basis. In order to lessen the results of continued conflict and court proceedings on their children, a faster, more economical and less adversarial process will result from the use of parenting coordinators in certain cases. This process is a way to minimize antagonism, since it is the existence of conflict between parents, more than their actual separation that has been shown to be damaging to children. (p. 17)

Aware that local courts were already using parenting coordination, the aim of the Ohio Supreme Court in adopting standardized rules was to assist courts in creating high-quality programs, ensure the use of qualified individuals, and promote consistency across the state (Crow, 2014).

"Parenting coordination" means a child-focused dispute resolution process ordered by a court of common pleas or division of the court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. "Parenting coordination" is not mediation subject to R.C. Chapter 2710 or Sup.R. 16. (Ohio Sup.R. 90(C))

To that purpose, the rules are comprehensive. They require courts using parenting coordination to adopt a local rule that:

- Addresses the selection and referral of a case to parenting coordination at any point after a parental rights and responsibilities or companionship time order is filed;
- Addresses domestic abuse and domestic violence screening, both before and during parenting coordination;
- Addresses appropriate referrals to legal counsel, counseling, parenting courses, and other support services for all parties, including but not limited to victims and suspected victims of domestic abuse and domestic violence;
- Allows parties, their attorneys, and any other individuals designated by the parties to attend and participate in parenting coordination sessions;
- Prohibits a parenting coordinator, even with consent of the parties, from serving in multiple roles with the same family that creates a professional conflict, including but not limited to a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party;
- Allows a mediator to also serve as a parenting coordinator with the same family, provided there is written consent of the parties and it is approved by the court or division;
- Addresses the issuance of parenting coordination agreements and reports or decisions by a parenting coordinator;
- Addresses terms and conditions for fees, including provisions for waiver of fees for indigent parties;
- Provides that the decision of a parenting coordinator is effective immediately and remains effective unless ordered otherwise by the court or division;
- Allows for objections to the decision of a parenting coordinator;
- Addresses the appointment and termination of appointment of a parenting;
- Establishes procedures for the periodic evaluation of parenting coordinators;
- Establishes procedures for the submission, investigation, and hearing of complaints regarding a parenting coordinator;
- Addresses other provisions as the court considers necessary and appropriate.

The rules require extensive education, experience, and training to qualify to serve as a coordinator. Parenting coordinators must possess advanced master's level or law degrees or other satisfactory training or experience and two years of professional experience with situations involving children. They must also complete 78 hours of basic and specialized training in family or divorce mediation, domestic abuse and conflict resolution, and parenting coordination, taken in sequence with special qualifications required to serve in an abuse, neglect, and dependency case; and fulfill requirements for continuing education and making reports to the appointing court.

Under Ohio Rule of Superintendence 90.02, a court may order parenting coordination if one or more the following factors are present:

- A. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- B. There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- C. The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court or division, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;
- D. The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the court or division, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;
- E. One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
- F. Any other factor as determined by the court or division.

The rules make abundantly clear that parenting coordinators do not possess authority to change custody or primary placement of a child, or to grant, change or terminate a protection order.

With the rules, parenting coordination in Ohio became regulated and its practitioners more accountable, commensurate with the power with which they are entrusted. The safeguards in the rules are critical since, like most other states with parenting coordination statutes, Ohio courts do not require parental consent to order parenting coordination. The implementation of a parenting coordination model by way of court rule rather than through legislation suggests that the judiciary means to retain control over any delegation of its *parens patriae* power (Kirkland, 2008).

The Domestic Relations Court adopted Local Rule 38 governing parenting coordination on November 20, 2014 (Appendix 2). Despite their newfound authority, other Ohio courts have not rushed to create parenting coordination programs. The reasons may involve the lack of qualified providers, philosophical disagreement with the practice, hesitancy toward devoting resources to an unproven process, and/or cost.

### **Research Support – Does the Data Support the Theory?**

The professional literature touts parenting coordination as a useful intervention to manage high conflict parents. Kirkland (2008) asserts that the process “is effective precisely because of greater access and availability for families, unique knowledge base of the family law professions concerning dynamics of divorcing families, and the court-granted authority to help families resolve common post-divorce disputes” (p. 25). Sullivan (2008) suggests that the unique combination of legal authority, specialized knowledge and experience, ability to work

with the entire family system comprehensively, and accessibility “creates a role uniquely suited to manage these chronically conflicted families” (p. 6).

While the function, process, and practice of parenting coordination has been investigated, and courts have begun implementing the concept on the assumption that it works, evidence that parenting coordination does actually reduce parental conflict and litigation is limited.

Although the AFCC Task Force backed parenting coordination as a viable dispute resolution process, it acknowledged that, beyond positive anecdotal reports, the effectiveness of the practice lacked research support. It urged investigation to compare litigation rates and children’s exposure to conflict in families who used a parenting coordinator with those that did not. It also proposed studies to assess satisfaction and perceived problems with the parenting coordination process, and its components (education, intervention, and mediation, and variables such as length of time, costs, and methods of communication with parents) from the point of view of families, attorneys, and judges to shed light on its general efficacy (AFCC, 2003). AFCC further suggested identifying the characteristics of families that did and did not benefit from parenting coordination assistance that could be used to develop screening questions to triage families into the most appropriate intervention.

Many researchers since then have called attention to the shortage of empirical data and appealed for further study examining the effectiveness and efficacy of the role (Bacher et al, 2005; Belcher-Timme et al., 2013; Coates et al., 2004; Fidler & Epstein, 2008; Hayes, et. al. 2012, Henry et al. 2009; Kelly, 2002; Kirkland & Sullivan, 2008; Sullivan, 2008; Brewster, Beck, Anderson & Benjamin, 2011). “The PC field begs for more research. Empirical investigations of PC effectiveness and follow-up studies of families in longitudinal PC relationships are needed. The field needs study of what goes wrong in high-conflict families. Of

equal importance is the need to study and learn from families who are able to avoid intractable conflict. There is much work to be done in this area.” (Kirkland, 2008, p.50). “In spite of widespread implementation of these programs in the court systems across the United States, empirical research into the effects of PC programs is ‘practically nonexistent’.” (Brewster, et al., 2011, p. 247, citing Henry et al., 2009).

Less than a handful of studies have examined the effect of parenting coordination upon litigation. The earliest, an unpublished study of court cases in Santa Clara County, California, compared the number of court appearances in 166 cases in the year before and after the appointment of a special master (the equivalent of a coordinator)<sup>28</sup> (Johnston, 1994). The number of appearances declined 97%, from 993 court appearances to 37. The average court appearances per family went from six to 0.22.

A more recent and rigorous case study of a Florida Judicial Circuit Court in Miami-Dade County measured the change in the number of motions filed by high conflict parents in a sample of 49 cases<sup>29</sup> in the year before and the year after parenting coordination was implemented (Henry, et al., 2009). The total number of motions decreased 48%, from 491 motions to 254. There was a 75% reduction in child-related motions filed (116 to 29), and a 40% reduction in non-child related motions (375 to 225).<sup>30</sup> The majority (61%) of couples reduced the number of motions they filed although 22% filed an increased number of motions and 16% filed the same

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<sup>28</sup> Sixteen special masters identified 193 cases. Twenty-seven were excluded because files were in use, had records missing, were not delivered, had incorrect information, or the order appointing the special master could not be located to determine the date of appointment. Court hearings, settlement conferences, early resolution conferences, case management appearances and trials were counted as court appearances.

<sup>29</sup> The sample was selected from 88 cases based upon the degree of information available in court records.

<sup>30</sup> The Florida study also collected demographic data as to the age and number of children; length of marriage; numbers of years in litigation; number of pre- to post-parenting coordination motions; couple’s race/ethnicity, socioeconomic status and occupation/career. Most couples had been married from five to nine years and had one or two children between the ages of five and twelve. A third were referred to parenting coordination two to six years after separation. Parents were from diverse racial and socioeconomic backgrounds.

number before and after the appointment, indicating that not all couples respond the same to parenting coordination.

A pilot study of a new parenting coordination program in Pima County, Arizona, also examined its effect on litigation, by comparing the use of courts and outside agencies in the two years before and after the appointment of a parenting coordinator in the first 21 cases participating in the program (Brewster et al., 2011). Twenty-four percent of parents fired their coordinator before the two year data collection period ended. There was a significant reduction in the number of hearings, number of documents filed, number of changes made to the parenting plan, and number of motions after the appointment in the remaining cases. The average number of hearings per year per case dropped 83%, from 3.19 to 0.55. The average number of documents filed per year dropped 56%, from 18.4 to 8.1. The average number of changes to the plan per year dropped 52.2%, from 66.25 to 31.5. The average number of motions per year dropped 64.2%, from 172 to 61.5. The number of outside agencies involved in the cases declined 70%, from as many as four agencies to up to one agency.

Likewise, there is little data on the effectiveness of parenting coordination from the perspective of participants in the process. An unpublished study in Boulder, Colorado examined the impact of using a mediator/arbitrator (equivalent to a coordinator) in joint custody cases by surveying 52 parents using mediation/arbitration, and 37 attorneys and mental health professionals with clients participating in the mediation/arbitration program (equivalent to parenting coordination) (Vick & Backerman, 1996). There were significant differences in the perceptions of the professionals and the parents. Professionals were much more likely to have a positive view of the helpfulness of the process. The researchers speculated that the disparity was the result of differing expectations of co-parenting after divorce. They reasoned that parents may

have an unrealistic belief that working on post-divorce co-parenting relations will make it problem free and are disillusioned when their expectations are not met. They attributed the optimistic view the professionals held to their lack of contact with families post-divorce, and their interpretation of the lack of contact when clients have not returned to court as positive even though conflict may be continuing.

Taking a different approach, the American Psychological Association Parenting Coordination Project examined parenting coordination in the District of Columbia's Superior Court in terms of its effect on children's adjustment, parental communication, and conflict using standardized psychological questionnaires and satisfaction surveys to measure outcomes (Scott et al., 2010; Lally & Higuchi, 2008). The population in the 16 cases studied was economically disadvantaged, mostly African American; many parents were never married and some had never lived together. Parents, teachers, and caregivers were administered the Child Behavior Checklist,<sup>31</sup> the Acrimony Scale,<sup>32</sup> and the Parenting Alliance Measure,<sup>33</sup> upon entering the program and more than six months later. Judges, attorneys, and guardians *ad litem*, who are less directly involved, were asked to assess the helpfulness of the coordinator in improving parents' communication and cooperation, reducing conflict, and improving children's well-being. This study is noteworthy as the first to investigate different types and intensities of parental conflict and do so longitudinally (Carter & Lally, 2014; Kelly & Higuchi, 2014).

The scores showed high levels of acrimony and significant dysfunction in the parents' ability to work cooperatively upon entering the program; 54% of mothers and 86% of fathers rated the alliance as problematic and dysfunctional. The study found that over the first six

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<sup>31</sup> This measure obtains the caregiver's report regarding children's social competencies and behavioral and emotional problems.

<sup>32</sup> This measure gather parents' impressions of their relationship with their partner//spouse and the impact of their relationship on their children.

<sup>33</sup> This measure evaluates co-parenting relationships between parents.

months of the program, acrimony and alliance improved but did not reach a level of statistical significance and there were few changes in children's adjustment. Judges' views were uniformly positive, with the ratings of attorneys and guardians *ad litem* mixed (Lally & Higuchi, 2008). Parent satisfaction could not be interpreted because only two parents completed the survey.

The APA study also collected data on the effect of parenting coordination on litigation (Scott et al., 2010). The average length of involvement in the parenting coordination program was 18 months, less than half the average length of 39 months in a court case. After entry into the program, the number of emergency hearings and court activities (orders, hearings, trials, petitions for custody, motions) declined. Contempt filings and findings were significantly lower. Contempt filings decreased to 5% of cases compared to 37% before entering the program. Before entering the program, parents were found in contempt 16% of the time whereas none were found in contempt afterward. The researchers noted that it was not possible to establish whether these outcomes were attributable to the program.

These few studies suggest there is a positive, striking association between parenting coordination and reduced court litigation, although the evidence that parenting coordination is effective in promoting parent cooperation and reducing conflict is less encouraging. Brewster et al., (2011) conclude that parenting coordination seems to have the potential to significantly reduce the number of outside agencies and sizably decrease the average amount of time these cases need the attention of judges and court personnel. Henry, et al., (2009) similarly report that the consistency of findings suggests that parenting coordination is effective in reducing court hearings, while strengthening parents' ability to resolve disputes on their own. Notably, none of these studies compared their findings to a control group.<sup>34</sup>

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<sup>34</sup> Fieldstone et. al. (2011) were unable to randomly identify high conflict cases through the clerk's office or judiciary in order to provide a control group for a basis of comparison to their case study.

Reviewing the literature crystallized the legal and practical issues associated with the use of a parenting coordinator. The close look at past research on effectiveness and efficacy was indispensable in helping develop a strong research design and methodology and illuminating how this study could build upon the existing parenting coordination knowledge base and contribute to closing the gap in what is known about this new dispute resolution process.

## Methods

The project utilized a mixed methods case study and survey research design within one jurisdiction, the Cuyahoga County Domestic Relations Court. A mixed methodology was chosen as more comprehensive than pure quantitative or qualitative data collection. Quantitative data can help establish cause and effect and allow groups to be easily compared; qualitative data can help provide insight and context. This design combination had the benefit of building on the strengths of each method and integrating the insight provided from multiple angles. The design and data elements selected for consideration were consistent with similar research.

### Changes in Court Usage

To examine if use of the courts by high conflict parents changed when parenting coordination was ordered, a quasi-experimental sample of parenting coordination cases and a control group sample of non-parenting coordination cases was established. A control group was needed to compare cases with similar characteristics, something no previous study has attempted. Archival case data over a four-year period was examined. Data was collected over seven months in 2015 from the Court's case management system database, the Clerk of Courts' online docket, and paper court files. Data was recorded in Excel spreadsheets (Appendix 3, 4, and 5).<sup>35</sup> All information was publicly available. Each case took about an hour for the author and another magistrate working together and independently to review. Files were reviewed at the courthouse.

Establishing the parenting coordination population of cases required gathering information not routinely kept. The Court did not keep track of the cases in which parenting

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<sup>35</sup> In order to maintain confidentiality, all data and identifying information has been removed from data collection instruments.

coordinators were appointed until early 2015. To identify these cases retrospectively, known parenting coordinators were contacted by telephone and email, and asked for a list of their cases in this jurisdiction. Judges, magistrates, guardians *ad litem*, attorneys who regularly practice in the court, and court staff also were sent several emails asking for all cases they could recall in which a parenting coordinator was appointed. Thirty-four cases were identified. Two of the identified cases did not have a formal appointment document, or other method independent of the persons involved in the case, to pinpoint the date of appointment. Since it was predetermined that data elements from the cases would be sorted based upon two years pre- or post-appointment, they were removed from the list, leaving 32 cases (Appendix 6). All of the appointments took place before 2015.<sup>36</sup>

Establishing a control group of high conflict parenting cases as a basis of comparison presented a challenge. For purposes of this research, these are cases in which parents have ongoing disputes about decision-making and parenting time matters and have been unable to manage and resolve them on their own without continuous court intervention. There was no simple way of identifying these cases randomly. One approach considered was to extract cases from the case management database using the appointment of a guardian *ad litem* and an evaluation as criteria. After a cursory review of the cases selected using this method, it was determined that this would not yield a representative sample because not all such cases are high conflict and not all high conflict cases utilize guardians *ad litem* and evaluations. These services are also costly and low income high conflict cases would be excluded. In addition, as a practical

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<sup>36</sup> In several of the cases, a different parenting coordinator was appointed replacing the original coordination during the post appointment period for reasons unknown.

matter, the case management system could not identify the cases in which services were ordered during the target four-year period; it could only identify cases where such services were ordered.

Another approach considered was to draw the population from cases in which multiple motions were filed within a limited period, such as six months or one year. This method was rejected because multiplicity of motions by itself is not indicative of high conflict and too many cases would be captured. Again, the case management system could not extract such cases.

Because of the difficulty of finding objective hallmarks to identify these kinds of cases, it was determined that a subjective appraisal by magistrates<sup>37</sup> would yield the most reliable sample. As experienced family law professionals, they would immediately recognize a case as “high conflict.”

The cases in the high conflict control group were drawn from a pool of 2,392<sup>38</sup> cases in which parenting motions were filed between January 1, 2011 and December 31, 2014. The parenting motions were identified by assigned codes.<sup>39</sup> Five magistrates well acquainted with the concept of “high conflict,” who are assigned all post-decree parenting cases and have

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<sup>37</sup> Magistrates in Ohio have the authority to conduct trials in any cases not tried to a jury without the consent of parties, subject to an order of reference.

<sup>38</sup> Four hundred eighty-five cases came from the docket of Magistrate 1, 501 from Magistrate 2, 484 from Magistrate 3, 442 from Magistrate 4, and 480 from Magistrate 5.

<sup>39</sup> The motion codes were for the following motion types:

- Modify Parental Rights
- Modify Visitation
- Modify Shared Parenting
- Terminate Shared Parenting
- Terminate Visitation
- Terminate Parental Rights
- Show Cause Shared Parenting
- Show Cause Failure to Return Child
- Motion for Supervised Visitation
- Motion to Return Minor Children
- Establish Visitation
- Motion for Emergency Visitation
- Show Cause Non-Visitation
- Emergency Parental Rights

handled the same docket the entire four years, were provided a list of the parenting cases pending on their respective dockets during this four-year period. They were asked to identify those cases they considered "high conflict" with the above definition in mind, based upon their subjective experience with the case. They were also asked to comment why they considered these cases high conflict and what made them high conflict. Eighty-five cases were identified, about 3.5% of the pool. Ten of these were also cases in which a parenting coordinator had been appointed and were eliminated. The number of remaining cases was significantly greater than the number of cases where a parenting coordinator was appointed. The remaining 75 cases in this universe included 13 from magistrate 1, 13 from magistrate 2, 14 from magistrate 3, 6 from magistrate 4, and 29 from magistrate 5. To further narrow the universe, the cases from the magistrate who identified 29 cases were randomly sampled by removing every other case in order to have a sampling comparable to the other magistrates. The resulting list of 60 cases was randomly sampled by alternately removing or keeping every other four cases, which left 32 cases, the same number of parenting coordination cases (Appendix 7). It was necessary to limit the number of cases to facilitate the comparison between the parenting coordination sample and the high conflict sample, and to limit the amount of data collected to something manageable for this project.

There was no hesitation among the magistrates in identifying which cases were high conflict. "I know because I remember them. You don't remember the other ones. These are the ones that fight about stupid stuff all the time and they are patently unreasonable. They are never fighting about what's on the paper." "I remember the names. They jumped out at me. I remembered that they couldn't get along and couldn't agree on any issues." "They are the revolving door cases. They are out of court for six months, then they file. They are here for six

to ten months and then they take a few months off and are back again.” Magistrates cited multiple reasons that contributed to the cases being high conflict, including mental health issues, a lack of maturity, “bulldog attorneys,” “ a big blowup between the parents,” unproven allegations of domestic violence and sex abuse, and drug and alcohol issues. The consensus was there were no commonalities in why the cases were high conflict, “other than the parents don’t like one another and they don’t see how their animosity affects the kids. If they don’t like the other parent, they think the kids should dislike the other parent.” “It’s very complicated.” “They are so individual.” “There is no common thread that causes these cases to be high conflict. Attorneys add to the problem but do not cause the problem. If they are high conflict they are going to be high conflict regardless of what attorneys tell them. It is a control thing.” “The only thread is that they are frequent fliers.” “They have some issue from the past that they just can’t turn the corner on.”

The sizes of the archival case samples in this study are comparable to sample sizes in previous research. The small size is a consequence of the newness of the parenting coordinator role.

In the parenting coordination cases, court usage in the two years before and after the appointment of a parenting coordinator was compared. In the control group, court usage in the years 2011 through 2014 was compared, with December 31, 2012 being the two year before and after mid-point. Court usage during the years 2011 through 2014 in the control group was compared to the parenting coordination group. A four-year period was selected to ensure that sufficient data were available to measure change with the passage of time and because few appointments were made earlier than 2011. The cutoff for data collection was November 23, 2015. A limitation of using the mid-point date was that a full two years did not pass after the

appointment where the appointment was made after November 23, 2013. This affected six of the cases (19%). Of the six, only three cases were shy of two years, by about two months.

The same data elements were collected for the parenting coordination group and the high conflict group. The selected data elements (number of motions filed, scheduled court events, referrals for parenting services, and trials) were chosen as being variables that relate to the time and resources that must be devoted by the judicial staff, court personnel, and service providers. They provide a good estimate of the burden on courts and court related providers because of this litigation. The increase or decrease in the data elements reflects change in court usage.

For purposes of this research, “motions” are all motions filed, not just parenting-related motions. “Court events” are all scheduled proceedings that were not cancelled or transferred, including pretrials, case management conferences, evaluator interviews, mediation sessions, attorney conferences, hearings and trials. “Referrals for parenting services” encompass custody/parenting evaluation, psychological testing, mediation, home investigation, guardian *ad litem* appointment,<sup>40</sup> and substance abuse testing. Referrals had to be documented by a journal entry. “Trials” are all evidentiary hearings that commenced including those that were not completed.

Identifying whether a trial had commenced required examining docket entries and images, the type of court event scheduled, and ascertaining if a magistrate’s decision or judge’s opinion was written, and if a court reporter was assigned to the case. Relying on the simple fact that a trial was scheduled would have been unreliable because many scheduled trials never begin.

It was initially thought to count *in camera* child interviews within the “referrals” data element. Child interviews conducted by judges and magistrates require attention and planning,

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<sup>40</sup> Guardian ad litem appointments encompassed the appointments of individuals in the following capacities: “best interest of the child” advocate, child’s counsel, and counsel for a non-attorney “best interest of the child advocate.”

and are good indicators that a case is high conflict. They also reveal children's exposure to parental conflict. This data element had to be eliminated; while requests for child interviews are easily tracked, there was no way to ascertain with confidence whether an interview actually took place.

Data on parental income, the total number of children per couple, and the type of parenting arrangement ordered (allocation of parental rights and responsibilities or shared parenting)<sup>41</sup> was also collected to provide context. Income was ascertained from the child support computation worksheet attached to the divorce or dissolution<sup>42</sup> decree. Utilizing income reported for child support purposes inspired some confidence in the accuracy of the amount because such income is calculated uniformly. A case was deemed to have shared parenting if a shared parenting plan was ordered at any time during the four-year period, even if it was not continuously in effect. It was not possible to correlate the number of *minor* children (the children subject to the parenting plan) during the entire four-year period since children continually become emancipated.

### **Opinions of Parents, Attorneys, and Parenting Coordinators**

The choice method of collecting opinion data would have been personal interviews, which provide the flexibility to explore individual viewpoints in great depth. The large number of participants precluded collecting information this way. Focus groups were considered but were also rejected, because it was unlikely that enough parents and professionals would be

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<sup>41</sup> In Ohio, an "allocation of parental rights and responsibilities" is equivalent to an award of sole custody. "Shared parenting" is Ohio's version of joint custody.

<sup>42</sup> A dissolution is termination of marriage by agreement of the parties where all issues are resolved prior to filing in contrast to a divorce decree which is filed unilaterally.

available at the same time for it to be productive. Surveys were chosen as a useful way of gathering information and have the advantage of standardizing the inquiry.

To survey the opinions of participants, separate questionnaires were designed for parents (Appendix 8), attorneys with clients for whom parenting coordination was ordered (Appendix 9), and parenting coordinators (Appendix 10). Separate questionnaires were indicated because of the somewhat different nature of information sought from the three categories of participants. The survey questions were developed based on the literature<sup>43</sup> and a series of extensive conversations with parenting coordinators, mediators, custody evaluators, judges, magistrates, and attorneys familiar with the parenting coordination process. The 27 questions directed to parents requested limited demographic information and were grouped around three topic areas: how the parenting coordinator was used, the perceived effectiveness of the process in improving the co-parenting relationship, and cost. The 17 questions for attorneys related to how parenting coordination is practiced, and the perceived effectiveness of the process in reducing litigation and improving the co-parenting relationship. Parenting coordinators were asked 56 questions about demographics, usage, perceived effectiveness in reducing litigation and improving the co-parenting relationship, practice, cost, and liability concerns. Questions were a combination of open ended, multiple choice with some single and some multiple responses, interval scale and ratio scale. Text boxes accompanied most questions to permit respondents to explain their responses, if desired. The last question in each survey was open text to provide an opportunity to comment on matters not otherwise addressed. This was important to get a more in-depth explanation of the standardized answers. While quite informative, the non-identical surveys and chance to explain responses yielded a great volume of data making comparisons between participant groups and interpretation challenging.

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<sup>43</sup> Helen Brantley and Melissa Grady kindly provided their survey used in Hayes, et al., 2012.

The surveys were pre-tested by the director of the Court's parenting coordination program, an attorney; the director of the Court's family evaluation services, a psychologist; and a clerk in the assignment and scheduling department in lieu of a parent. They were asked to provide feedback on the clearness of the survey questions, the length of time needed to complete the survey, as well as any technical difficulties with the web link. A few questions were revised based upon their suggestions. It was not possible to pre-test the surveys on parents, attorneys, and coordinators actually participating in the process. While this would have been preferable, there is a limited number of those individuals, and all were going to be asked to participate in the actual study. In addition, several of these professionals helped formulate the questions.

A description of the research study and invitations to participate were sent to 100 parents (Appendix 11), 69 attorneys (Appendix 12), and 22 parenting coordinators (Appendix 13) in the fourth week of September. These included the individuals associated with the 32 cases in the parenting coordination group, as well as those associated with the pre-2015 cases that were not part of the archival case data population and the 2015 cases in which parenting coordination was ordered, as of September. Parenting coordinators on the Court's approved list were also included. This provided a larger pool of potential respondents. Some parenting coordinators and attorneys had multiple cases.

A court staff member, who acted as a research assistant, distributed the invitation to participate to parents by U.S. mail. The invitation included a link to the appropriate online questionnaire. None of the envelopes were returned as undeliverable. Invitations could not be delivered by email because the Court does not routinely collect the email addresses of parties. To maximize the response rate, the mailing was followed with a telephone call by the staff member two to three weeks later. The call was limited to requesting return of the questionnaire.

While there is no way to know, this is believed to have increased the number of responses. The staff member succeeded in speaking with 17 parents and left 31 messages. A couple of parents hung up on her. The other parents could not be reached because the Court did not have an accurate phone number or any phone number for them, or they did not answer the phone. Most parents used the phone call as an unsolicited opportunity to tell the staff member about their experience. Their comments were reported to the author without names or identifying information. The invitations and the links to questionnaires to attorneys and parenting coordinators were distributed by email coming directly from the author to the email addresses associated with the attorney of record in the case management system. Only one email invitation, to an attorney, was returned due to an undeliverable address. Two reminder emails were sent four and five weeks later and were successful in generating several additional responses. Participants were informed that completion of the survey would take an estimated ten to fifteen minutes of their time. The surveys were implemented using the online survey tool, SurveyMonkey™. Participants were not required to answer any particular questions on the survey. The SurveyMonkey™ web links were inactivated in mid-November.

## Findings

These findings are presented in two parts. The first half considers the results of the archival data relating to litigation measures. The second half considers the results of the data relating to the viewpoints of parents, attorneys, and parenting coordinators.

### Changes in Court Usage Case Data

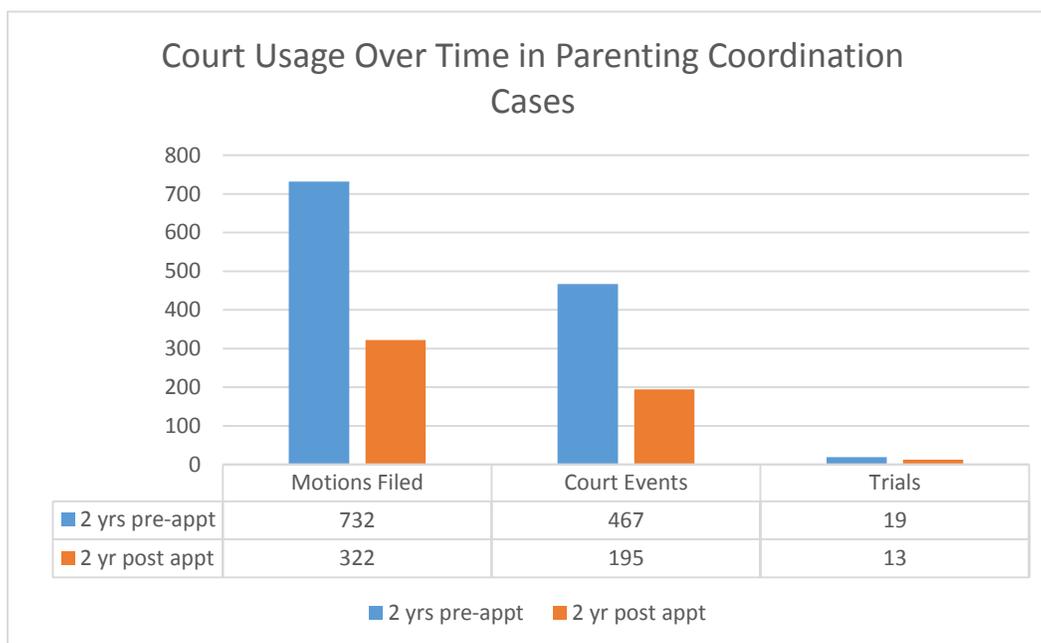
#### Parenting coordination cases.

Forty-one percent of parents in the parenting coordination sample had two children. The next largest percentage (35%) had only one child, followed by 16% with three children. Only one case had four children, and two cases had five children. Ninety-seven percent of the cases in the parenting coordination group had a shared parenting arrangement.

The mean income of fathers was \$203,112. The mean income of mothers was \$92,641. The mean family income was \$295,753. The median income of fathers was \$133,260. The median income of mothers was \$51,000. The median family income was \$226,487.

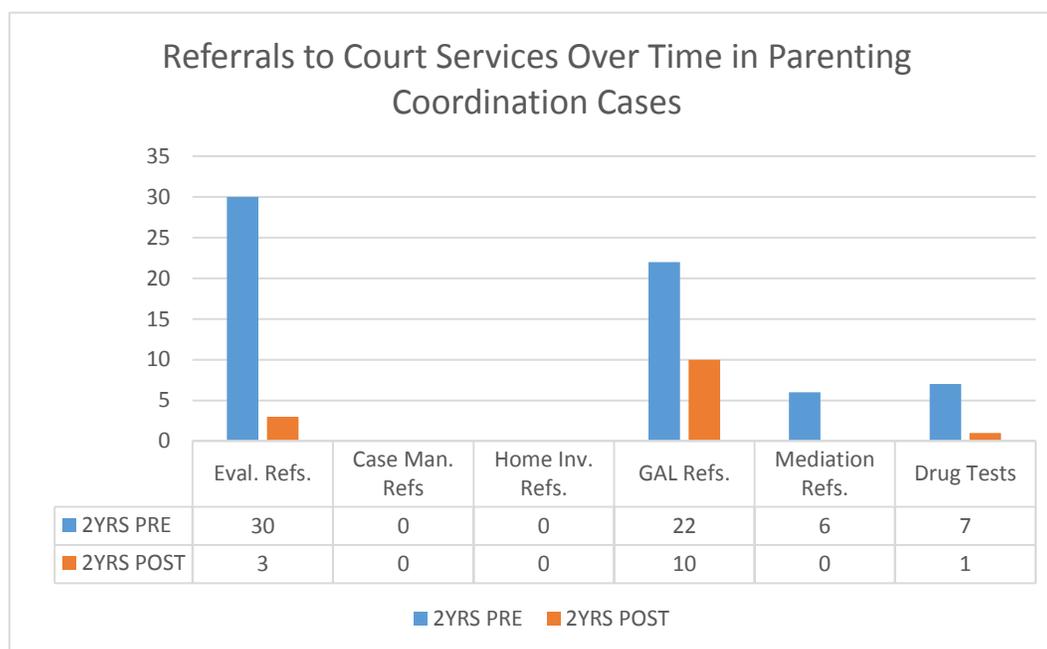
There was a significant *decrease* in the number of motions filed, scheduled court events, and trials in the two years after appointment of a coordinator as shown in Figure 5. Motions decreased 56%. Court events decreased 58%. Trials decreased 32%. The average number of motions per case declined from 22.87 to 10.06.

**Figure 5. Court Usage over Time in Parenting Coordination Cases**



There was likewise a significant *decrease* in the number of referrals for parenting services after the appointment, as Figure 6 shows. Overall, referrals decreased 78%. The category of services with the largest percentage decrease was mediation, at 100%. Evaluations decreased 90%. Drug tests decreased 86%. The least percentage decrease was in the category of guardian *ad litem* services, at 55%.

**Figure 6. Referrals to Court Services over Time in Parenting Coordination Cases**



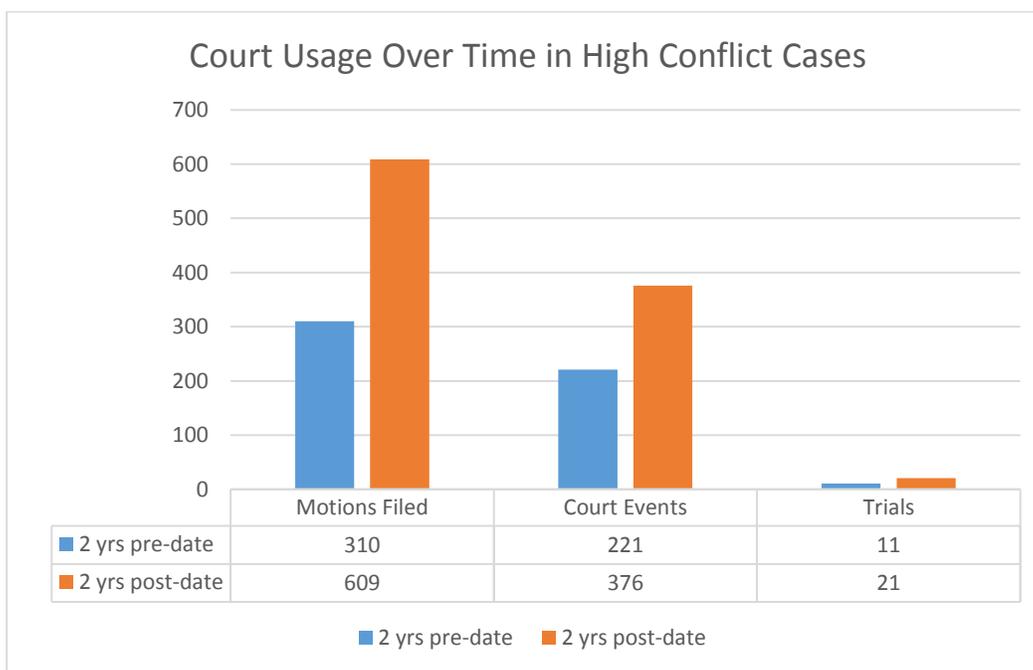
**High conflict control group cases.**

Forty-seven percent of parents in the high conflict sample had two children. The next largest percentage (29%) had only one child, followed by 22% with three children. Only one case had four children. These percentages correspond with those in the parenting coordination cases. Eighty-one percent of the cases in the control group had a shared parenting arrangement.

The mean income of fathers was \$103,779. The mean income of mothers was \$53,264. The mean family income was \$157,042. The median income of fathers was \$46,335. The median income of mothers was \$29,450. The median family income was \$75,710.

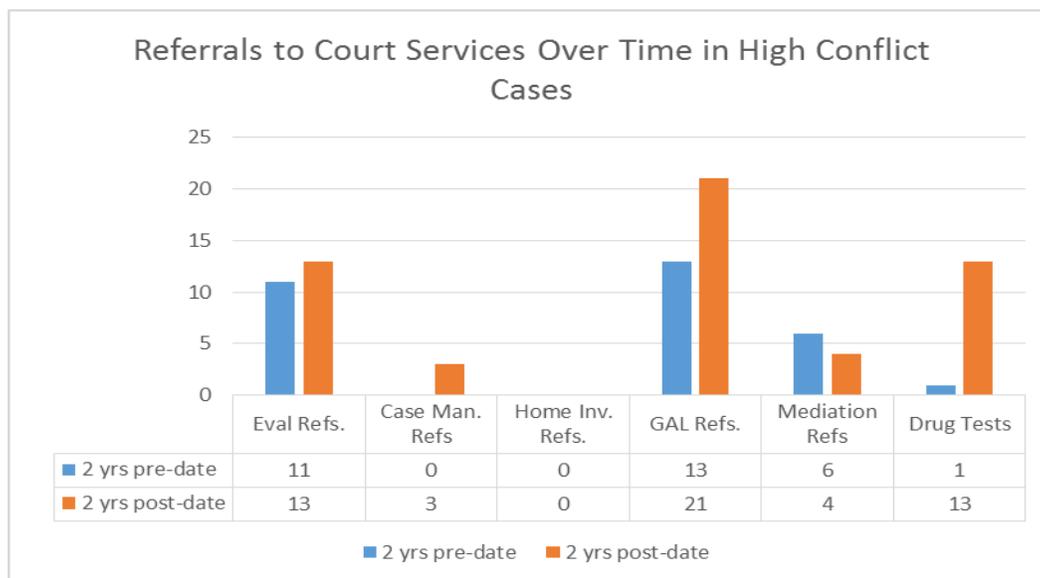
Unlike the parenting coordination sample, there was a significant *increase* in the number of motions filed, scheduled court events, and trials in the two years after the December 31, 2012 mid-point, as seen in Figure 7. Motions increased 96%. Court events increased 70%. Trials increased 91%. The average number of motions filed per case increased from 9.69 to 19.03.

**Figure 7. Court Usage over Time in High Conflict Control Group Cases**



There was likewise a significant *increase* in the total number of referrals for services during the post period as shown in Figure 8. Overall, referrals for services increased 74%. The category with the largest percentage increase was drug tests, at 1,200%. Guardian *ad litem* services decreased 62%. The category with the smallest percentage increase was evaluations, at 18%. The only service that decreased was mediation, at 33%.

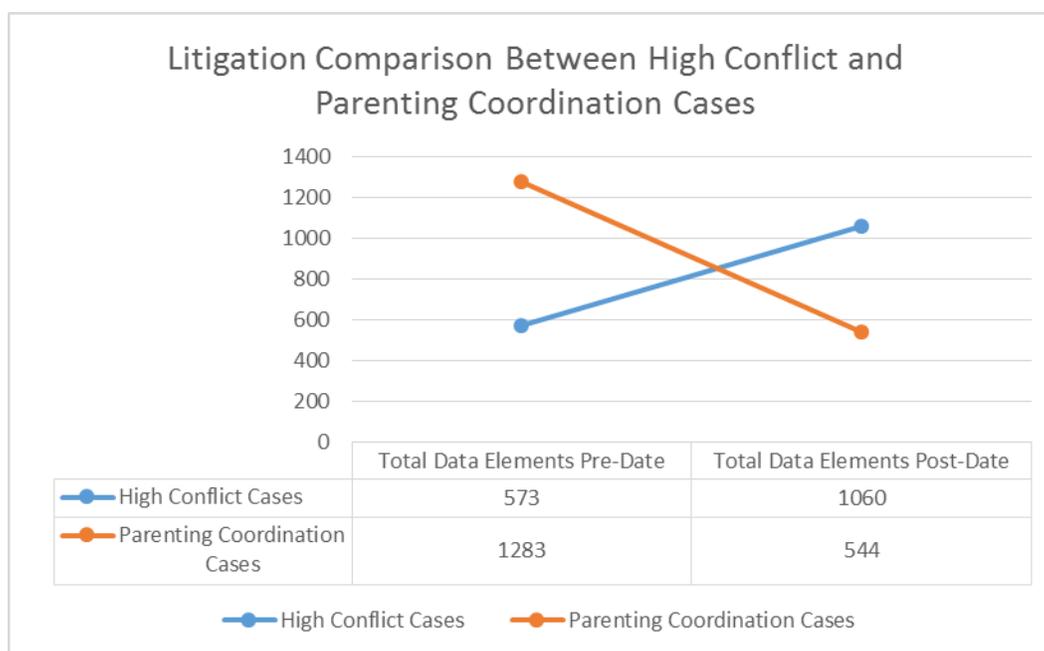
**Figure 8. Referrals to Court Services over Time in High Conflict Control Group Cases**



**Comparison of parenting coordination and high conflict control group cases.**

Figure 9 compares the aggregate of all the data elements collected. The data from the parenting coordinator sample and the control group sample resemble complete opposites. There was an impressive reduction in court usage after parenting coordination was ordered and a boost in court usage without parenting coordination.

**Figure 9. Litigation Comparison between High Conflict Control Group and Parenting Coordination Cases**



Where the Court stood to gain the most from parenting coordination is in terms of conserving judicial and staff time to process the numerous filings, schedule court events, and hold hearings and trials. In the parenting coordination sample, 410 fewer motions were filed in the post period. There were 272 fewer court events. There were six fewer trials. In the high conflict control group sample, 299 more motions were filed in the post period. There were 155 more court events. There were ten more trials. The time saved in the parenting coordination sample is an enormous savings; the work managing the extra litigation in the high conflict control group is an enormous burden.

In terms of the burden on services, the resources most heavily consumed in both the parenting coordinator and high conflict groups were guardians *ad litem* and evaluators. The least used services were drug testing, home investigation, and case management. In the parenting coordination sample, there were 27 less evaluations, 12 less guardian *ad litem* referrals, six less

mediations, and six less drug tests in the post period. In the control group sample, there were two more evaluations, three more case management referrals, eight more guardian *ad litem* referrals, and 12 more drug tests, in the post period.

The low use of drug tests and home investigations is not surprising because severe drug use is not the issue in most high conflict cases and the guardian *ad litem*, if there is one, by law is required to make a home visit, obviating the need for a separate investigation. The minimal use of case management services is attributable to its being a new program, offered only since 2014. As would be expected, mediation was not ordered in any of the parenting coordination cases, and it declined in the high conflict cases. The likely explanation in the high conflict cases is that parents refused it or they were triaged out of the process as not likely to benefit from it. Also, one of the functions of a parenting coordinator is to mediate, making a separate conflict resolution professional unnecessary.

The reduction in referrals represents potential tremendous savings, not only for the court, if parenting coordination were ordered. Families who pay out of pocket for these services would also benefit.

While the results are positive overall, the data in the individual cases also suggest that parenting coordination does not reduce litigation for everyone, and litigation in some cases can decrease on its own without any intervention. In three of the parenting coordination cases (9%) the number of motions increased after the appointment. In ten of the high conflict cases (31%), the number of motions decreased in the post period.

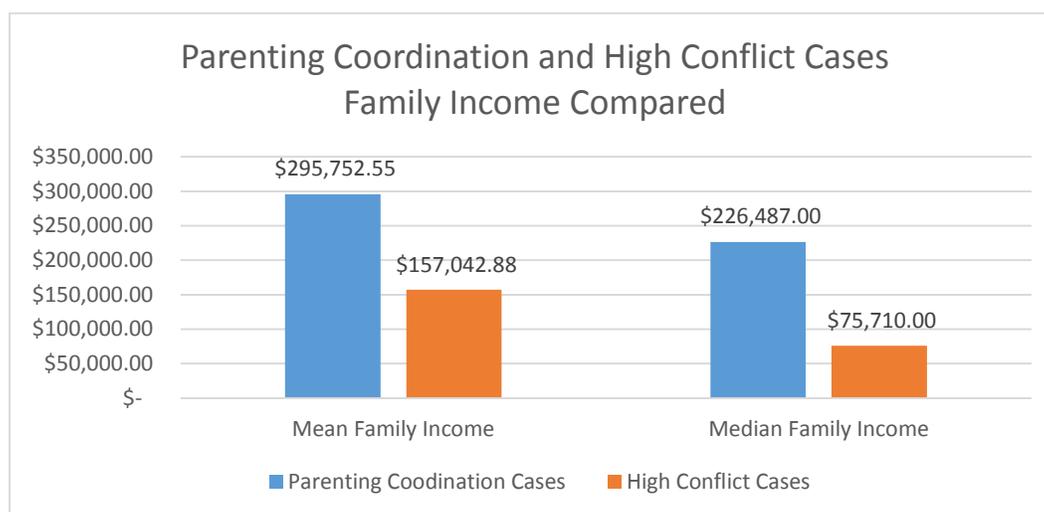
In terms of type of parenting arrangement, number of children, and attorney involvement, the parenting coordination sample and the control group were not significantly different except that more parents in the parenting coordination sample had shared parenting. Interestingly, all of

the parents in the parenting coordination and high conflict control group cases had attorneys, and some had multiple attorneys, at a time when parties in domestic relations proceedings are more and more self-represented. This might mean that high conflict parents are more apt to obtain legal representation, that attorneys create or enhance conflict, or a combination of the two.

The major difference between the two samples was income inequality. Family income was significantly less in the cases without a coordinator. There was a large disparity of income between parents in the parenting coordination cases, with fathers earning more than twice as much as mothers, in both mean and median income. There was also a large disparity of income between parents in the high conflict cases, but the difference was less pronounced. Mothers earned slightly more than half the mean income and about two-thirds of the median income of fathers.

Figure 10 illustrates the significantly higher family income in cases with a parenting coordinator compared to high conflict cases without a coordinator.

**Figure 10. Comparison of Income between High Conflict Control Group and Parenting Coordination Cases**



## **Opinions of Parents, Attorneys, and Parenting Coordinators**

Eighteen parents, 28 attorneys, and 18 parenting coordinators responded to the survey requests by answering at least one question by the close of the survey. This represents a response rate of 18% for parents, 41% for attorneys, and 82% for parenting coordinators.<sup>44</sup> Response rates for online surveys typically average about 30%. These rates were not unexpected considering parenting coordinators, and to a lesser extent, attorneys were likely to take a professional interest in this project.

The survey response rate might have been somewhat higher. Several parenting coordinators contacted the author privately to explain that they did not respond to the survey because they had so little experience they felt they had little to add. Two parents, one father and one mother, contacted the research assistant on December 9 and December 11 asking to participate but could not be included since the survey link had already been deactivated. The research assistant contacted these parents out of courtesy and noted their comments.

The survey sample sizes are comparable to the small sample sizes in previous research. The responses, while not statistically significant, do yield good descriptive information about the value and workings of this not well-understood process.

### **Parent opinion survey.**

An objective of this project was to find out how parents use parenting coordination, and what they find valuable or problematic. Parents have the most at stake yet are almost never consulted about their court-related experiences. The fact that close to twenty people took the trouble to respond and few skipped questions suggests that they want to be heard. However, it is important to keep in mind that 82% of invited participants did not respond. Those who did may

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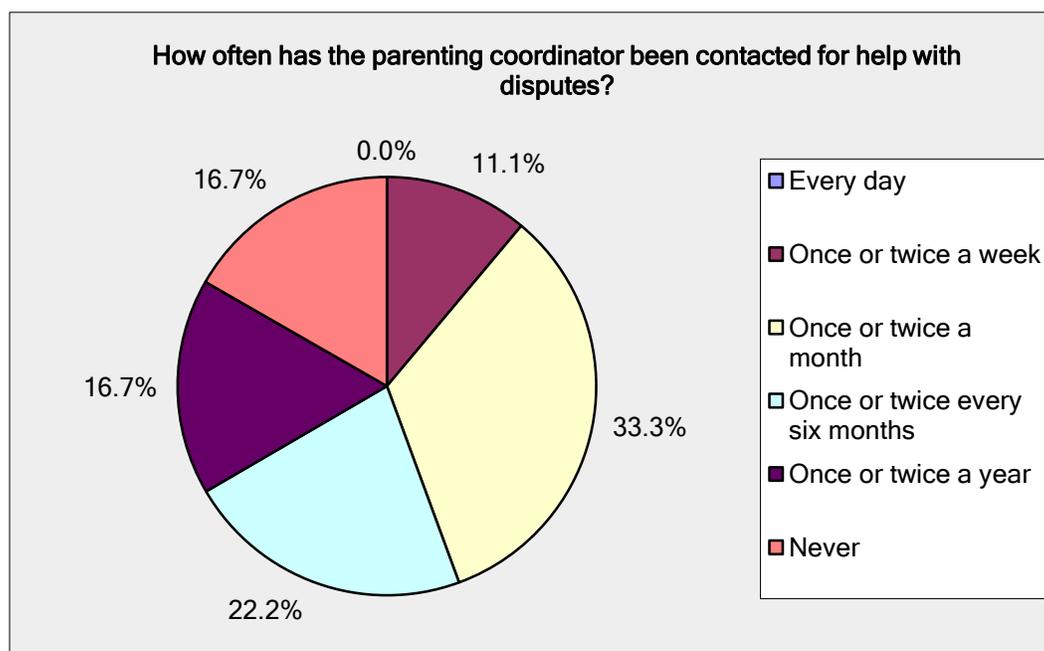
<sup>44</sup> Percentages were rounded off throughout this paper. In some instances this results in a total of more than 100%.

represent the extremes and the most vocal of participants. Parents' comments are set forth in Appendix 14.<sup>45</sup> The email of the parent who attempted to respond and the research assistant's comments regarding the courtesy return calls to the two parents is also included. (Appendix 15)

Ten men and eight women responded. All were at least 30 years old, with roughly a third each in their thirties, forties, and fifties. They were all Caucasian but for one person identifying as Hispanic/Latino.

The frequency with which parents contacted their coordinator is an indicator of how often they need help. As Figure 11 indicates, there was no clear pattern in their usage. The most common response was once or twice a month, followed by once or twice every six months.

**Figure 11. Frequency of Parenting Coordinator Contact**



Consistent with the literature, parents contacted the coordinator for help for a wide variety of issues. The top ten, in descending order, were:

<sup>45</sup> Some parents mentioned names in their responses. To protect personal privacy, personal identifiers were omitted in all of the appendices.

1. Children's travel and passport arrangements;
2. Vacation, holidays, days of special meaning arrangements;
3. Communication between the parents;
4. Time sharing schedules during school year;
5. Transportation and exchanges (drop-off, pick-up);
6. Child-rearing issues;
7. Other;<sup>46</sup>
8. Parent's communication with the children;
9. Enrichment/extracurricular activities/camp/jobs;
10. Education (school choice, tutoring, summer school, participation in special education testing and programs, etc.).

How well parents understood the parenting coordination process to begin with is essential. Their understanding sets their expectations and can encourage or discourage buy-in. Close to 80% considered themselves well informed or somewhat informed about the role of a parenting coordinator before their first contact.

There was also no clear pattern for how long parents typically stayed with the process. Parenting coordination had ceased for half of the parents. For 25% of the parents, the relationship did not last more than six months. The rest for whom it had ended reported it lasted between six to twelve months, 13 to 18 months, 19 to 24 months, or two plus years, in equal percentages (6%).

The most common reason the relationship ended was that services were too costly (28%) or lack of reasonable progress (18%). Other reasons for termination were children reaching the age of majority, parenting coordinator no longer able to work with parents in an unbiased

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<sup>46</sup> Purchase of and or possession of weapons/illegal material by former spouse and significant other.

manner, parenting coordinator unable or unwilling to serve, and one or both parents non-compliant, in equal percentages (9%). Remarkably, no one reported that the relationship ended because the coordinator's assistance was no longer needed.

An "other" category was allowed to let parents explain additional reasons the process ended that were not included in the standardized choices. In these responses (73%), parents cited money issues, refusal of the other parent to participate, and inability of the parenting coordinator to help. One parent commented, "I ended services because things [were] just getting prolonged and nothing was getting accomplished and the parent coordinator couldn't legally help us resolve any of the issues that were brought up. I spent many days and hours copying papers and documents for the parent coordinator to look at and while talking with her it was obvious she failed to ever look at any of it. Parent coordinating is a total waste of time and money. All it does is prolong the court process from being resolved."<sup>47</sup>

Parents were asked what appealed to them about the process. Fifty percent or more liked that it was more efficient than the court process, the parent coordinator listened to their concerns, and it saved money compared to litigation. That it was less formal, more personal, and more private than the court process also ranked high, with 38% to 44% agreeing. Only a quarter of the parents reported liking the process because it resolved the dispute quickly. Parents disliked the process because it was too costly (67%), the coordinator did not have enough authority (44%), did not listen to them (22%), and would not make a decision (11%). No one thought the parenting coordinator had too much authority or was not available when needed.

A series of questions focused on whether the process was effective in resolving problems, reducing conflict, and improving the co-parenting relationship. Table 1 below summarizes the

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<sup>47</sup> To enhance readability, obvious punctuation and typographical errors in the comments have been corrected throughout this paper, excluding appendices.

responses to this inquiry. Three of the five questions had majority negative responses. If the goal is to change the interactional dynamic then the majority neutral response in the last question can be interpreted as negative. Only one question had a majority positive response.

The majority of parents (53%) believed that the process helped them resolve problems but did not believe that the parenting coordinator helped improve parental communication or changed their ability to work with the other parent. Half of the parents did not believe the process helped reduce conflict between them.

**Table 1. Summary of Responses to Effectiveness Questions**

<b>SUMMARY OF RESPONSES TO EFFECTIVENESS QUESTIONS</b>			
	Positive Responses	Neutral Responses	Negative Responses
Helped resolve problems	53%	18%	29%
Helped improve communication	18%	29%	53%
Helped reduce conflict	44%	6%	50%
Helped develop skills	19%	25%	56%
Changed ability to work	29%	53%	18%

The most important goal of parenting coordination is for parents to learn skills on how to avoid conflict and future disputes. The process is meant to change the pattern of communication and create a new dynamic to replace the ineffectual old dynamic, and it requires parents to work on making changes. As Sullivan (2008) explains, the hope is that they will learn “to separate their parenting relationship from the spousal relationship,” “approach differences with a child-focused, problem solving approach,” “avoid blame” and engage in “a give and take process that builds trust and confidence in their coparent,” thus becoming functional co-parents (p. 13). This

is why it is important that coordinators allow the process to progress from the education and mediation phases and not jump to making an arbitrated decision, because parents will have no opportunity or reason to develop the ability to manage on their own. When asked whether the process helped them develop such skills, the majority of parents (56%) disagreed. Only 19% agreed that it had helped. These results are particularly disappointing.

Because parenting coordination is a delegation of the court's power, it is important to know whether parents believed the process was fair. Again, the responses were mixed. About half (53%) thought it was fair. About a third (35%) thought it was not fair.

Opinions were polarized in terms of whether parents were satisfied with the parenting coordination process. Fifty-three percent were satisfied; 47% were not. This question elicited 13 comments, the most of any question. Five of the comments can be interpreted as positive, the rest were negative.<sup>48</sup>

A couple of questions were intended to shed light on whether parents' opinions toward parenting coordination had changed over the course of their involvement with it. Initially, parents were positive about the process. Over time, parents who started as neutral became more negative. As reflected in Table 2, there was an overall decline in optimism about the process after experiencing it.

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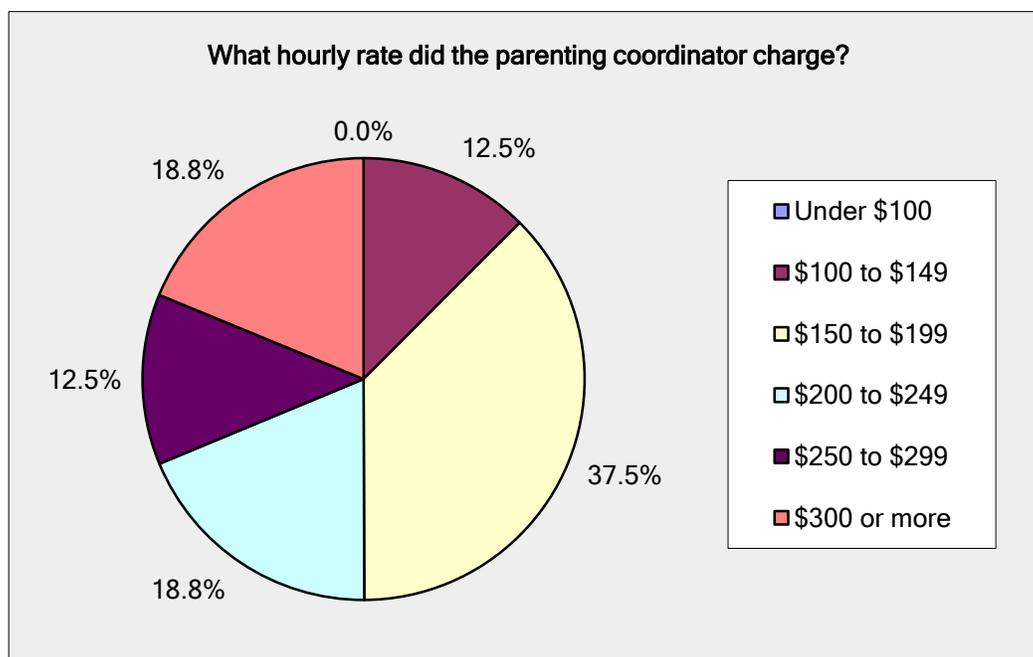
<sup>48</sup> The views of the parents who contacted the court after the close of the survey were also negative.

**Table 2. Change in Parents' Opinions of Process**

CHANGE IN PARENTS' OPINIONS OF PROCESS		
	Initial Feelings	Current Feelings
Positive	59%	47%
Neutral	24%	12%
Negative	18%	41%

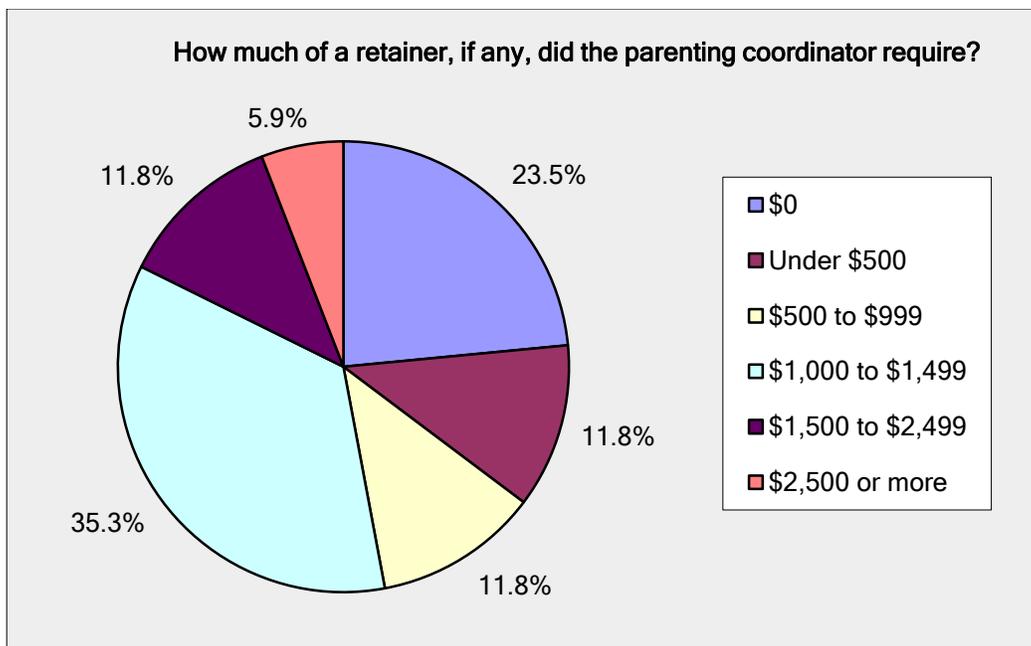
Parenting coordination services provided by private licensed professionals carry a price tag. Five questions explored the cost and affordability of private parenting coordinators.

As Figure 12 illustrates, parents were charged hourly rates ranging from \$100 an hour to \$300 an hour or more. The most common rate was \$150 to \$199 an hour. The next most common rates were \$200 to \$249 an hour, and \$300 or more. No one was charged under \$100 an hour.

**Figure 12. Parenting Coordinators' Hourly Rates**

About three-quarters of parents were charged a retainer to secure their coordinator's services as can be seen in Figure 13. The amounts ranged from under \$500 to \$2,500 or more. The most common retainer was \$1,000 to \$1,499.

**Figure 13. Parenting Coordination Retainers**



To get a sense of whether parents felt that parenting coordination was a good value for what was charged, the responses were almost evenly split, with 53% saying yes and 47% saying no. Eleven parents weighed in. Seven of the responses can be interpreted as negative. The following are examples of positive and negative responses. “Yes. Contact with her was far less than any other court option would have been. She was fair and efficient.” “Nothing could legally be accomplished and it was nothing but an added expense to me.” When asked if the cost of parenting coordination was affordable, the results were evenly split.

Parents were given an opportunity to explain what would have made the process more valuable or effective for them. This question elicited eleven comments. Their suggestions are summarized as follows:

- Courts should ensure the retainer is paid and address how to ensure that both parents pay the parenting coordinator's fees.
- The parenting coordinator should have a better relationship with parents and meet the children before making decisions.
- The parenting coordinator should have the legal authority to draft legal documents for the parties to sign, and submit them to the court.
- Parenting coordination services should be put in place earlier.
- A guardian *ad litem* should not intervene and countermand the parenting coordinator's decisions.
- It should be more affordable.

It is also valuable to know whether fee issues caused significant disputes between parents, and between parents and the coordinator. Fee disputes lead to conflict. They also put the parenting coordinator at odds with parents and can lead to the resignation of the coordinator or refusal to provide services. This defeats the purpose of appointing a coordinator. When asked if there were any disputes over fees, one third of parents reported problems. One parent stated, "Ex never paid retainer and PC refused to work on our case." Another remarked, "The details pertaining to payment were not arranged in the divorce decree which has created reticence for the coordinator to become involved." Another volunteered, "I was unable to pay and he put a lien on my house. I eventually paid him but had to sell my house to do so."

The information the parents volunteered to the research assistant is consistent with the survey data. Many she spoke to had already taken the survey but still wanted to talk about their parenting coordination experience, and seemed excited to be able to tell their story. There was a

sense of surprise that someone had bothered to ask them. Some could not recall that a parenting coordinator had been appointed and did not know there was one. Some were pleased that the Court was conducting the survey but expressed skepticism that the information would be utilized. Others wanted to complain about the other parent, judges, and the courts. In the research assistant's view, the parents either loved parenting coordination or hated it.

**Attorney opinion survey.**

Even though attorneys tend to be involved only at the inception of the process when the appointment is made, their opinions are valuable since they are generally the first point of contact if clients are having problems. In this regard, their perceptions are a blend of their own observations and what is reported to them by their clients. Attorney feedback is also important because without their support, parenting coordination is unlikely to thrive. Attorneys' comments are set forth in Appendix 16. As a group, the attorneys skipped more of the survey questions than did the parents and parenting coordinator groups.

To establish a baseline of their experience, attorneys were asked how many cases with a parenting coordinator they had been involved in. Fourteen attorneys had only had one or two cases. Seven had three to five cases, five had between six and ten cases, and two attorneys had sixteen or more. Over 85% had never or rarely attended and participated in the parenting coordination process although 11% were routinely involved.

The information attorneys gave clients about parenting coordination runs the gamut from cursory to comprehensive. The continuum went from providing nothing at all and leaving it to the parenting coordinator to explain, to providing a copy of the appointment order, to reviewing the order thoroughly with the client and providing a copy of the local rules and any literature available from the parenting coordinator. Many attorneys explained the limitations of the

parenting coordinator's authority and the progression from mediation to decision-making. They also explained its benefit in being able to address problems more quickly than the courts. One attorney stated:

I describe a PC as a 'mediator on steroids' who is empowered by both parents and the court to make binding decisions on a certain class of issues (i.e. those which are problematic but tend to be small enough in isolation to not warrant individual court attention but problematic in the aggregate--or--those that require an immediate resolution because of the time-sensitive nature of the issue). I also tell them that the PC process generally tends to soften parental squabbling over picayune issues over the long term because they aren't allowed to fester.

Several questions were designed to gauge whether parenting coordination was effective in actually accomplishing its intended purpose of reducing litigation and conflict.

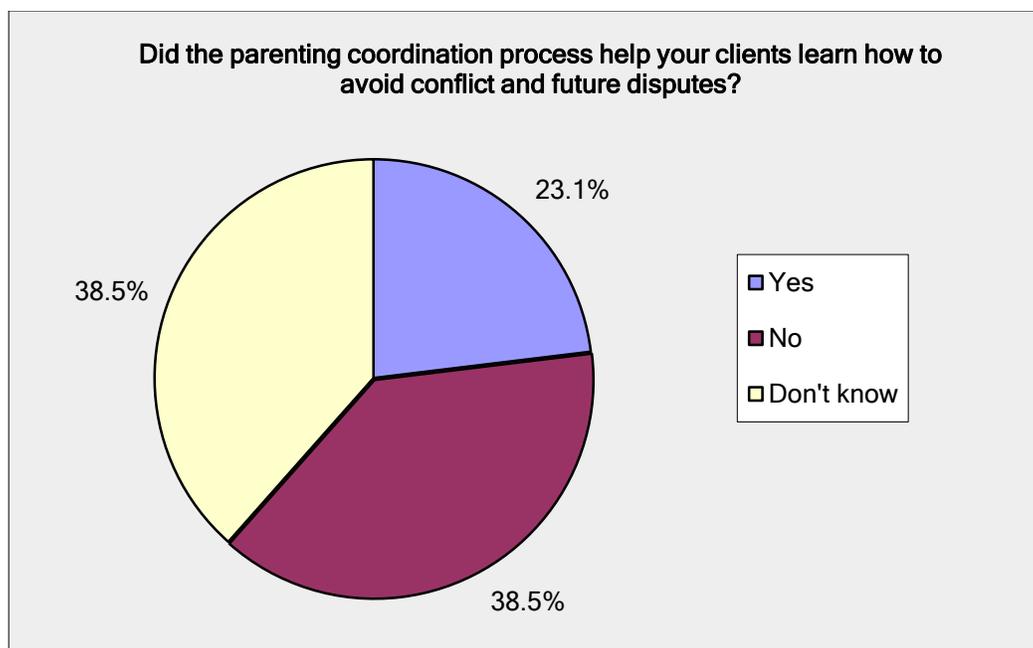
To that end, attorneys were asked whether clients had contacted them since the appointment. Considering that parenting coordination is supposed to put an end to lawyers and litigation, surprisingly, 80% said yes. Nineteen attorneys explained why. Excluding reasons such as to update the attorney or get advice on legal issues, the main reason was to express concerns about how the coordinator was handling the case or unhappiness with the parenting coordinator's assistance or determinations. The concerns had to do with the coordinator going beyond the scope of authority and changing material terms of the order, and getting clarification as to what issues are appropriate for the coordinator to address,

The majority of attorneys (60%) thought the appointment of a parenting coordinator diminished litigation. No one reported an increase in litigation. Sixteen percent said there was no change, and 24% did not know.

Attorneys were less certain that parenting coordination helped reduce conflict between the parents. Forty-eight percent of attorneys reported it had, but 12% felt conflict had increased. Twenty-four percent reported no change, and 16% did not know.

As to whether parenting coordination helped clients learn how to avoid conflict and future disputes the results, in Figure 14, were even less positive. Only 23% said yes. The rest said no, or did not know, in equal percentages.

**Figure 14. Parents' Learning to Avoid Conflict and Future Disputes**



Two questions were devoted to determining whether clients were satisfied with the parenting coordination process. Most attorneys (62%) reported their clients were satisfied. A much smaller percentage (12%) felt their clients were not satisfied. The rest (27%) did not know.

In terms of whether clients were more satisfied with parenting coordination as compared to the court process, 50% of attorneys believed they were. Only 12% responded to the contrary and 38% did not know.

The remaining questions in the survey moved from perceptions of their clients' experience to inquiries that relate to the general efficacy of parenting coordination. The

responses are useful in determining whether certain parents are good candidates for parenting coordination in the first place, and should be triaged into the process.

Besides the legal issues it presents, parental consent is extremely important in terms of whether parents will work with the parenting coordinator and accept his or her decisions, or try to foil the process. Consent implies buy in. Parents can sabotage the parenting coordination process in any number of ways. These include refusing to participate, refusing to pay fees, ignoring decisions, and even excessively contacting the parenting coordinator to drive up fees for the less financially off parent to cause him or her to back off. More aggressively, they can file ethics charges, and bring the matter back to court to bypass the parenting coordinator. Therefore, the question was asked whether parenting coordination can be beneficial if ordered over the objection of one or both parents. Most attorneys (69%) said yes.

In explaining their answers, several attorneys articulated the need for the parenting coordinator to make binding decisions and for parents to be made to understand they must abide by those decisions. Others mentioned that parents will ultimately learn that parenting coordination will resolve disputes. One attorney thought it could be beneficial only with the right parenting coordinator. Others found value in allowing an outlet for the cooperating parent, and post-litigation oversight that could prevent the case from “blowing up.” One stated, “I believe the value in a PC is independent of parents’ willingness (of course it increases the effectiveness when willingness exists, but I don’t believe it is essential).” On the other hand, one felt, “it should be a consensual process otherwise it just appears to be a delegation of judicial authority.” One maintained, “No harm in trying.”

Two questions related to identifying the indicators that would suggest a family will or will not benefit from parenting coordination. The questions allowed multiple responses.

Table 3 and Table 4 list the most popular responses in descending order:

**Table 3. Indicators that a Family Will Benefit from Parenting Coordination  
(Attorney Perspective)**

INDICATORS THAT A FAMILY WILL BENEFIT FROM PARENTING COORDINATION	
Parents tired of court process	81%
Parents concerned about cost of court litigation	81%
Parents genuinely desire to reduce conflict	58%
Disputes parents have not appropriate for court to decide	58%
Parents invested in process working	54%
Parents respect authority	46%
Other	31%

**Table 4. Indicators that a Family Will Not Benefit from Parenting Coordination  
(Attorney Perspective)**

INDICATORS THAT A FAMILY WILL NOT BENEFIT FROM PARENTING COORDINATION	
Personality disorder of a parent	80%
One or both parents not invested in process	56%
Domestic violence	48%
Other	44%

One attorney identified a genuine desire not to harm their children as an indicator that a family will benefit from parenting coordination, within the “other” category. “Parents really don't want to hurt their children or use them as pawns in parental disputes.”

Others identified a parent's inability to see value in the other parent playing a role in the child's life, a historic refusal to abide by court orders and history of subverting processes, and the desire to be as disruptive as possible as good indicators that a family will not benefit from parenting coordination.

These responses point to the success of parenting coordination as largely dependent on parents' motivations, abilities, and capacities to increase their awareness and to functionally disengage. At some level, they must be able to put their children first. If they are resistant to taking responsibility, and not genuinely interested in learning, being flexible, and changing their behaviors, it will not work, much like counseling and psychotherapy will not work. In fact, it can become a new forum to maintain a high level of engagement and conflict made worse by the accessibility of the coordinator (Sullivan, 2008). At least a couple of parents expressed the view that parenting coordination made things worse.

Programmatic factors can also make a difference in whether parenting coordination can be successful. Knowing what these factors are is useful in suggesting adjustments to the way parenting coordinators are appointed. Attorneys considered the following, set forth in Table 5, important to success.

**Table 5. Factors Important to Success of Parenting Coordination**

<b>FACTORS IMPORTANT TO SUCCESS OF PARENTING COORDINATION</b>	
Parenting coordinator knowledgeable about domestic relations law	88%
Each parent be required to pay a portion of the cost	81%
Immediate initial meeting with the parenting coordinator upon appointment and before issues arise	77%
Decisions be made promptly if negotiated resolution not possible	77%
Parenting coordinator able to interpret legal documents	73%
Good match between parents and parenting coordinator	69%

Attorneys also endorsed the ability to take control of high-conflict parents, communication and mediation skills, and a parenting coordinator understanding the limits to his or her authority as important factors. One commenter mentioned that he would never use a parenting coordinator who was not an attorney because of a “disastrous experience.”

The aspects of parenting coordination attorneys found valuable were taking matters that are inappropriate out of the court system, using education and mediation first to resolve a dispute, immediacy, having an alternative to court, and having a safety valve in place.

Attorneys disliked the following about the process: cost, the ability of a parent to manipulate the process, coordinators’ lack of practical skills, inconsistency between coordinators, and tendency of coordinator to go beyond scope of the court order. One attorney disapproved of “Allowing the bully parent a different forum to continue the bullying process. The parent with more time and money may prevail.”

These responses point to the need for coordinators to be of high caliber. High conflict parents are extremely difficult and require managers who are exceedingly knowledgeable in theory and skilled in technique.

**Parenting coordinator opinion survey.**

Of the 18 parenting coordinators who responded, ten were attorneys, three were mediators, four were psychologists, and one was a licensed professional/clinical counselor.

All but two were female. Eighty-nine percent were in their fifties and sixties. Like the parents, they were overwhelmingly Caucasian with one person identifying as African American. More than half were located on Cleveland's East Side, three were on the West Side, one was downtown, and four had offices in multiple locations.

As a group, the coordinators were experienced in their fields. Seventy-eight percent had 21 or more years of professional experience. They had much less experience as coordinators. Half had provided parenting coordination services for three to five years, and 28% for two years or less. Half had two or less cases. Twenty-eight percent had handled only three to five cases. Parenting coordination constituted no more than 19% of anyone's practice. Two-thirds felt that the maximum number of cases they could handle at one time was between one and five. The other third was evenly divided in believing they could handle six to ten cases, or 11 or more cases.

A major goal of this project was to learn the practical points of how parenting coordination is conducted. To that end, coordinators were asked:

- How much time they spend and what documents do they need to become familiar with the issues before beginning the process?
- How frequently are they asked to address disputes?
- What kind of disputes are they asked to address?

- How do they communicate with parents?
- Who besides the parents participates in the process?
- Do they seek information from anyone besides parents?

Parenting coordinators comments are set forth in Appendix 17.

As would be expected, all coordinators require a copy of the appointment order. A substantial majority requires the most recent custody/parenting orders, previous custody/parenting evaluations and reports, and previous guardian *ad litem* reports (82% to 88%). Forty-one percent of respondents prefer to see all court orders in the case. Some coordinators ask for reports of treatment, police reports, protection orders, parenting plans, and a parenting coordination contract. “The more information a PC or GAL knows the better he or she can be. Understanding the child's needs, the family dynamic and the history of the parties is key to assisting the parents in compromising and coordinating efforts in ways that are consistent with the best interest of the child.”

Most coordinators (65%) typically spent one to two hours reviewing the documents before their initial meeting with parents. Eighteen percent spent an hour or less. Only 17% spent more than two hours.

There was no clear pattern as to how often coordinators were contacted for help with disputes. A quarter was contacted once or twice a month. A quarter was contacted once or twice every six months. Nineteen percent were contacted as often as once or twice a week. The frequency was very case specific, with more contact at first. “Varies. Every day during an ongoing dispute, but could taper off to 1x per month during "quiet" times.” “Significant variation -- if in crisis, could be ongoing and almost daily; if not, months at a time or more go by with no communication.”

The top ten kinds of disputes parents called about were, in descending order:

1. Vacations, holidays, days of special meaning arrangements;
2. Time sharing schedules during the school year;
3. Transportation and exchanges (drop-off, pick-up);
4. Enrichment/extracurricular activities/camp/jobs;
5. Payment issues (for children's extracurricular activities, daycare service, transportation between households, medical bills, etc.);
6. Medical, dental, and vision care;
7. Communication between the parents;
8. Parent's communication with the children;
9. Child-rearing issues;
10. Education (school choice, tutoring, summer school, participation in special education testing and programs, etc.).

Coordinators used a variety of ways to communicate with parents with email and face-to-face meetings with one or both parents, and telephone conferencing topping the list. They used U.S. mail, "Our Family Wizard" or other on-line communication sites, meetings via internet conferencing, and text messaging, to a much less extent. No one used social media sites.

Although the rules allow anyone designated by the parents to attend parenting coordination sessions, the involvement of third parties is uncommon. Children's participation is unusual; 87% said it never or rarely happens. Attorneys also are not generally involved; 86% said they never or rarely attend or participate. Extended family or friends were never (57%) or rarely (43%) included.

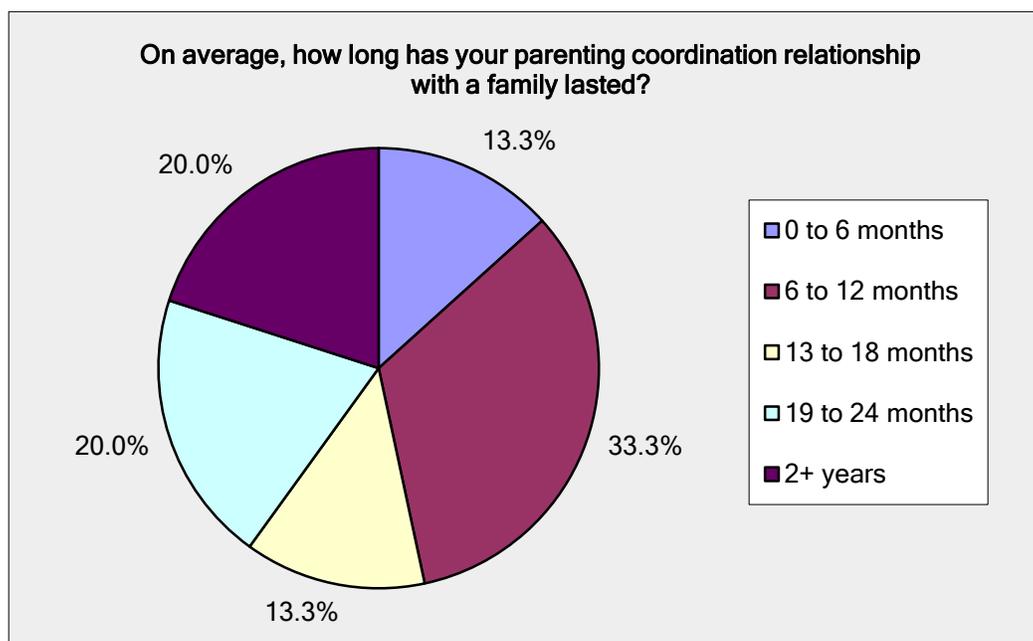
Coordinators gather information from third parties considerably more often than they include outsiders in the process. Seventy-nine percent routinely or sometimes seek collateral

information from a guardian *ad litem*, custody/parenting evaluator, or mental health provider. They also seek information from health care providers, education or day care providers but less commonly. Fifty-seven percent routinely or sometimes gather this information but 43% rarely or never do.

Coordinators were asked how frequently they have had to make formal arbitrate decisions. This is important to know in light of the progressive nature of the process. Fewer decisions suggest that parents were able to resolve disputes on their own with the coordinator's help and the process is working. The results varied greatly. Forty-four percent said they made decisions in up to 10% of the disputes they addressed. Twenty-five percent made decisions in 11 to 20% of the disputes. Thirteen percent made decisions in 31 to 40% of the disputes. The remaining 18% were evenly divided in making decisions in 21% to 30%, 41% to 50%, and more than 50% of the disputes. The vast majority (80%) had never had a decision appealed and the remaining 20% had only up to three decisions appealed.

As Figure 15 reveals, there was great disparity in responses as to the average length of time the parenting coordination relationship lasted. Most commonly, it lasted between six and 12 months. The varied duration is consistent with what parents reported.

**Figure 15. Duration of Parenting Coordination Relationship**



Knowing how long these relationships generally last is valuable in terms of the ideal duration for an appointment. An appointment should not terminate too early for the process to begin making headway. Forty-four percent of the coordinators considered two years optimal. Twenty-five percent thought it should be for a year. Others commented that the appointment should last “until the children are 18 as needed,” “unknown,” “this might depend on how things are progressing,” and “as needed.” “It depends on the age of the child(ren). It would be best to be able to terminate the PC because the parties have learned to mediate their own disputes but otherwise the PC should remain intact.”

Table 6 shows the most common reasons the parenting coordination relationship ended. These are, in descending order:

**Table 6. Reasons for Termination of Parenting Coordination**

<b>REASONS FOR TERMINATION OF PARENTING COORDINATION</b>	
One or both parents are non-compliant	62%
Parents/family no longer needed assistance of a parenting coordinator	54%
Term of appointment over	31%
Lack of reasonable progress	31%
Children reached age of majority	23%
Other	23%
One or both parents refused to pay for services	15%
Parenting coordination services too costly for parents	8%
Parenting coordinator unable or unwilling to continue to serve	8%
Parenting coordinator no longer able to work with parents in an unbiased manner	0%
Parenting coordinator discontinued services for personal reasons unrelated to parenting coordination	0%

Another objective of this survey was to find out what participants, especially parenting coordinators who are the most familiar with the process, believe would improve the program.

A theme that quickly emerged is that parents and attorneys are not as knowledgeable as they could be about parenting coordination, though they might think they are. Although 76% of the coordinators thought parents were somewhat informed about the process before their initial contact, only 18% of coordinators considered parents well informed.

To better prepare everyone, 89% thought the court should explain the process to parents and attorneys and provide written materials. “Explaining the role and expectations is key and

will help start everyone off on the right foot in dealing with the PC.” Forty-two percent thought the Court should obtain completed background/intake forms from the parents and provide them to the coordinator. Those coordinators who commented thought this would increase standardization of the process. “I believe that if the Court introduced the PC to the parties it could be helpful in providing support and credibility to the individual chosen as well as the process itself.” Raising awareness about parenting coordination and having attorneys encourage it was also suggested.

Coordinators were vocal about their own need for more education and training. Four individuals who served before the superintendence rules were adopted explained they had not applied to be on the Court’s approved list because they had not completed the minimum training required. The vast majority (93%) identified parenting coordination skills training as something they want the court to provide. Coordinators felt it important to be able to educate parents on communication and problem-solving methods, to have training in collaborative law and mediation, and know about child development, adult psychopathology, and the literature on high conflict divorce.

When asked what services, training, or resources the court could offer, coordinators suggested monthly meetings (36%) and continuing education courses relating to children (43%). “Speaking as a non-lawyer PC, either training or some regular communication as to new developments on the legal front with respect to relevant case law would be very helpful.” “Parent Coordinator Meetings, not necessarily monthly. Maybe bi-monthly or 4x per year.” “Initial PC training a couple of times a year would make it much easier for those of us already working in the area to upgrade and maintain our status. Current situation is counterproductive though I have been told that there will be some local or additional to Sup. Ct Columbus trainings established.”

Taken as a whole, the comments to the attorney and coordinator surveys showed a definite need for more intensive and ongoing skills training beyond the initial training required to qualify as a coordinator.

Coordinators also suggested improving the program by having the Court:

- Periodically communicate with coordinators on the list who have not yet received assignments
- Make itself available as a resource for mental health coordinators when legal questions arise
- Require that parents deposit retainers with the court.

Because there are so few providers, it was important to know if coordinators felt they could effectively provide services if they were not geographically close to the families. This is important because parents in some high conflict cases live in different states, or even different countries. Eighty percent said yes.

Coordinators were questioned about factors important to the success of the process. Ninety-three percent felt that an initial meeting with the coordinator immediately upon appointment before issues arise, and prompt decisions if a negotiated solution is not possible were important. Between 80% and 90% thought it important to have a good match between parents and coordinator and the coordinator be knowledgeable about domestic relations law. The same percentage thought it important that the cost be apportioned between parents. Fifty-three percent felt that it was important that coordinators be able to interpret legal documents.

To get a sense if coordinators thought the process reduced litigation, they were asked how often their cases returned to court following the appointment. The responses were evenly distributed with roughly a third saying they never returned (29%), rarely returned (36%), and occasionally returned (36%).

Five questions were asked concerning the perceived effectiveness of the parenting coordination process in improving the post-divorce parenting relationship. The results are summarized in Table 7.

**Table 7. Improvement in Parenting Relationship after Parenting Coordination**

<b>HOW DID THE PARENTING COORDINATION PROCESS AFFECT THE PARENTS' ABILITY TO WORK WITH EACH OTHER?</b>				
Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
0%	92%	8%	0%	0%
<b>HOW DID THE PARENTING COORDINATION PROCESS AFFECT THE PARENTS' ABILITY TO SOLVE PROBLEMS?</b>				
Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
0%	92%	8%	0%	0%
<b>HOW DID THE PARENTING COORDINATION PROCESS AFFECT THE PARENTS' COMMUNICATION WITH EACH OTHER?</b>				
Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
8%	85%	8%	0%	0%
<b>THE PARENTING COORDINATION PROCESS HELPED THE PARENTS UNDERSTAND THE EFFECT OF THEIR BEHAVIORS ON THEIR CHILDREN?</b>				
Strongly agree	Somewhat agree	Neutral/No opinion	Somewhat disagree	Strongly disagree
23%	69%	0%	8%	0%
<b>GENERALLY, THE LEVEL OF CONFLICT BETWEEN PARENTS AFTER THE APPOINTMENT OF A PARENTING COORDINATOR:</b>				
Greatly increased	Increased	Stayed the same	Decreased	Greatly decreased
0%	0%	46%	54%	0%

The parenting coordinators were united in their opinion that the process somewhat improved the ability of parents to work together and solve problems. Although no one reported it had significantly improved, no one reported that it had worsened. Only one individual believed it had made no change. There was also great consensus in their belief that the process improved communication between the parents and helped them understand the effect of their behaviors on children, although one individual disagreed. Despite these positive views, there was far less certainty that the process actually reduced conflict. About half believed it decreased and half believed it stayed the same. These results stand in contrast to the more negative views parents and attorneys reported.

Another objective was to identify indicators that a family is likely or not likely to benefit from parenting coordination. This information is useful in screening to triage parents into or out of the parenting coordination process. Although parents may fit the criteria of being high conflict, not all families who receive parenting coordination succeed raising the question of whether it is worth ordering. There is no point if there is no potential for success.

As shown in Table 8, the majority of coordinators believed it important, in descending order, for the parents to be invested in the process, to respect authority, to be tired of the court process, to be concerned about the cost of litigation, and to genuinely desire to reduce conflict. Domestic violence, a lack of investment in the process, substance abuse, and personality disorders were considered indicators that a family would not benefit from an appointment, as set forth in Table 9. These responses closely match those of the attorneys.

**Table 8. Indicators that a Family Will Benefit from Parenting Coordination (Coordinator Perspective)**

<b>INDICATORS THAT A FAMILY WILL BENEFIT FROM PARENTING COORDINATION</b>	
Parents invested in process working	87%
Parents respect authority	80%
Parents tired of court process	80%
Parents concerned about cost of litigation	80%
Parents genuinely desire to reduce conflict	73%
Other	27%

**Table 9. Indicators that a Family Will Not Benefit from Parenting Coordination (Coordinator Perspective)**

<b>INDICATORS THAT A FAMILY WILL NOT BENEFIT FROM PARENTING COORDINATION</b>	
Domestic violence	67%
One or both parents not invested in process	67%
Substance abuse	53%
Personality disorder of a parent	47%

In accord with the attorneys' responses, coordinators suggested that for the process to work, parents must possess some capacity to change, and put their children first. "Parents are able to increase in personal comfort about their own effectiveness and have capacity to work with a changing situation." "Parents have strong investment in the primacy of the needs of the children and some capacity to understand that the best interests of any child involve the ability to claim the love and attention of each parent as part of their lives."

One person identified the following as obstacles to success: “Parents tired of court (and persons affiliated with the court). Parents who don't believe anyone else should suggest how to parent their child. Parents who are unable to look past their disdain for the other parent long enough to see how their interactions with the other parent negatively affect their child.” Coordinators also emphasized, as did the attorneys, the support of attorneys, and the ability of the coordinator to interpret legal documents as important to success.

Considering that parenting coordination without parental consent is a divisive issue, it was important to find out whether key informants thought parenting coordination can be beneficial if ordered over the objection of one or both parents. Like the attorneys, most coordinators (67%) said yes. Their comments were remarkably consistent. Most thought it a necessary condition but were open to the possibility that once the dissenters were in, they would see the benefit and engage. “I consider it unlikely but not impossible to work in a situation where one parent is rejecting of the process to start -- but the risk of failure is significantly higher.” “It can be beneficial. But as I previously stated, PC works best if the parents are able to reach an agreement. It can be more difficult to obtain the agreement of someone who does not want to participate in the process. So the PC would be likely to have to make more decisions.”

Several questions related to the cost of parenting coordination services. Fees have great potential to cause conflict, and affordability is a serious concern. The responses closely matched what parents reported.

The most common hourly rates charged were \$200 to \$249, and \$150 to \$200, although some went as high as \$300 or more, or as low as under \$100. These rates are commensurate with the fees charged by mental health professionals and attorneys in this geographic area.

Almost three quarters charged retainers, mostly between \$1,000 and \$1,499. Retainers went as high as \$2,500 or more, or as low as \$500. Half of the coordinators billed two to four hours a month, on average. Thirty-five percent billed an hour or less. Fourteen percent billed five to seven hours per month.

The allocation of the cost of parenting coordination between parents arose as a significant issue. In the past, some appointment orders were nothing more than a short sentence stating parents were to use the services of a parenting coordinator. Without specific instructions as to who was pay, the responsibility for payment was left to the coordinator, or according to the terms of a retainer agreement.

The general preference was for parents to split the cost. Other choices were for parents to pay equally on joint issues, with each parent paying for his or her own time. Generally, coordinators wanted the court to spell out the responsibility in advance to avoid making that judgment. “I do not wish to be the decision maker in such a situation as it will contaminate any of the work I am doing with the couple.” Other approaches were to share it equitably or according to the parents’ income if they are significantly disparate. One coordinator explained, “My preference is to distribute costs evenly. I have had to work with orders that specified differences usually based on access to income, which has some reasonableness to it. I have had one case in which depending on which ‘side’ I endorsed in a dispute, the other side would need to pay the bill. I consider that to be a very destructive and dynamically inappropriate order that leads into all kinds of unnecessary games.”

The factors that influenced coordinators’ decisions not to bill equally were to “control abuse of the process,” “persistent overuse of the PC by one parent without a basis,” and “ability

to pay.” The excessive use of time by one parent who causes problems and dominates the use of the process was the main justification for assessing the cost to that parent.

Half of the coordinators had experienced fee disputes and half had not. The disputes involved inability to pay the bill, one parent refusing to pay the retainer, and disputing charges even though they were explained in the signed fee agreement. Disputes were over who caused the dispute and who “won.” “One party believes the other caused the need for the PC intervention so that party should pay.” “Whether the decision represented a victory for one side and therefore meant the other was responsible for the payment.”

To enhance timely payment of fees, 85% of the coordinators thought parents should post a cash bond with the Court to secure payment for future services. Forty-six percent agreed that the Court should oversee collection of parenting coordination fees. One suggestion was for the Court to order a retainer deposited in an I.O.L.T.A.,<sup>49</sup> to be replenished upon depletion until the process terminated.

One aim of this project was to determine whether exposure to liability and ethics complaints was a significant issue for parenting coordinators. High conflict parents tend to be high conflict in other relationships, which can manifest in claims, and complaints to licensing boards. Several questions thoroughly explored this. No one reported having had a claim, lawsuit, complaint, disciplinary complaint, grievance, or insurance claim related to providing parenting coordination services. Fifty-four percent said their professional insurance policies covered parenting coordination. Eighty percent expressed little concern or no concern about receiving one. The lack of concern over liability and complaints came as a surprise. This may be related to the fact that coordinators are mainly attorneys. For whatever reason, they may not

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<sup>49</sup> Ohio law requires attorneys to maintain an I.O.L.T.A. (Interest On Lawyer Trust Account) for retainers paid by clients, but not yet earned by the attorney.

have the same worries about a grievance filed for alleged ethical misconduct as mental health professionals might with a complaint to their licensing boards.

To avoid such issues, coordinators suggested that the Court formally appoint the coordinator and specify his or her powers and emphatically state in the order that the coordinator possesses quasi-judicial immunity, like guardians *ad litem* possess. Other proposals were for the Court to provide a standard retainer agreement similar to a mediator retainer agreement, have an internal court process to address complaints, and provide parenting coordination training beyond the initial training. These comments revealed that some coordinators are not familiar with the new rules and not aware they already mandate a formal appointment order that specifies the scope of authority and an internal court process to complain of coordinator misconduct.

## **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.<sup>50</sup> 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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<sup>50</sup> 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<sup>51</sup> 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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<sup>51</sup> 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 of 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.**

### **Concluding Remarks**

Parenting coordination is not without its problems but the results are promising enough that the Court should establish an internal program component while continuing to improve the private provider model. At the same time, it should institutionalize data collection as to the effectiveness of both parenting coordination components to allow for continuous program improvement.

In assessing whether parenting coordination is effective, ultimately, it is parents whose opinion matters the most. It is important to remember that high conflict parents may never be entirely satisfied with outcomes they do not agree with, whether provided by a court or a coordinator. Parenting coordination may never achieve the high marks for satisfaction that mediation enjoys. However, the keen desire for a better way than what is now available compels courts and the legal community to continue supporting and searching for innovative processes that strive for more holistic outcomes.

### **Suggested Future Research**

This study merely scratches the surface of the work that needs to be done in determining what works to reduce litigation and minimize parental conflict post judgment.

Additional research is needed to ascertain whether the reduction in litigation in parenting coordination cases is attributable to the success of the process or some other variable. Research is also needed to look closely at high conflict cases without coordinators in which court involvement has ended to identify the influencing factor. This work could explore how litigation in high conflict cases without any kind of intervention correlates with the number of years since the divorce, i.e., do even high conflict couples stop litigating at some point on their own?

Additional research is also needed to evaluate how effective parenting coordination is compared to other less expensive conflict prevention programs and interventions. Like parenting coordination, the effectiveness of these processes need to be validated by more data (Grych, 2005; Kelly, 2002). Longitudinal studies are needed to compare litigation rates, levels of conflict, cooperativeness, and children's adjustment and outcomes when parents use parenting coordination, receive intensive parenting education, use online communication tools, or engage in court ordered parenting coaching and therapy. These studies are needed for courts to determine which programs are likely to be most beneficial in terms of improving outcomes for children as well as cost savings. Future studies could gather the viewpoints of children, the intended beneficiaries of the process, after they have reached the age of majority, to assess whether they believe having a coordinator helped reduce parental conflict. Research could also examine the effect of going through a trial ("having one's day in court") on future litigation.

Most useful would be studies that help pinpoint what program attributes and family characteristics would allow a family to respond well to parenting coordination.



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Supreme Court of Ohio Sup.R. 90.06.

Supreme Court of Ohio Sup.R. 90.07.

Supreme Court of Ohio Sup.R. 90.08.

Supreme Court of Ohio Sup.R. 90.09.

Supreme Court of Ohio Sup.R. 90.10.

Supreme Court of Ohio Sup.R. 90.11.

Supreme Court of Ohio Sup.R. 90.12.

Supreme Court of Ohio Sup.R. Appendix A.

Toth v. Toth, 2013-Ohio-845 (Ohio Ct. App., Guernsey County Mar. 7, 2013).

Yates v. Yates, 963 A.2d 535 (Pa. Super. 2008).

## **Appendix 1. Supreme Court of Ohio Parenting Coordination Rules of Superintendence**

### **RULE 90. Definitions.**

As used in Sup.R. 90 through 90.12:

#### **(A) Domestic abuse**

“Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

#### **(B) Domestic violence**

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

#### **(C) Parenting coordination**

“Parenting coordination” means a child-focused dispute resolution process ordered by a court of common pleas or division of the court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710 or Sup.R. 16.

#### **(D) Parenting coordinator**

“Parenting coordinator” means an individual appointed by a court of common pleas or division of the court to conduct parenting coordination.

### **RULE 90.01. Local Parenting Coordination Rule.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall adopt a local rule governing all ordered parenting coordination that does all of the following:

(A) Addresses the selection and referral of a case to parenting coordination at any point after a parental rights and responsibilities or companionship time order is filed;

(B) Addresses domestic abuse and domestic violence screening, both before and during parenting coordination;

(C) Addresses appropriate referrals to legal counsel, counseling, parenting courses, and other support services for all parties, including but not limited to victims and suspected victims of domestic abuse and domestic violence;

(D) Allows parties, their attorneys, and any other individuals designated by the parties to attend and participate in parenting coordination sessions;

- (E) Prohibits a parenting coordinator, even with consent of the parties, from serving in multiple roles with the same family that creates a professional conflict, including but not limited to a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party;
- (F) Allows a mediator to also serve as a parenting coordinator with the same family, provided there is written consent of the parties and it is approved by the court or division;
- (G) Addresses the issuance of parenting coordination agreements and reports or decisions by a parenting coordinator;
- (H) Addresses terms and conditions for fees, including provisions for waiver of fees for indigent parties;
- (I) Provides that the decision of a parenting coordinator is effective immediately and remains effective unless ordered otherwise by the court or division;
- (J) Allows for objections to the decision of a parenting coordinator;
- (K) Addresses the appointment and termination of appointment of a parenting coordinator;
- (L) Establishes procedures for the periodic evaluation of parenting coordinators;
- (M) Establishes procedures for the submission, investigation, and hearing of complaints regarding a parenting coordinator;
- (N) Addresses other provisions as the court or division considers necessary and appropriate.

**RULE 90.02. Reasons for Ordering Parenting Coordination.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division may order parenting coordination when the court or division determines one or more of the following factors are present:

- (A) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- (B) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- (C) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court or division, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;

(D) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the court or division, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;

(E) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;

(F) Any other factor as determined by the court or division.

**RULE 90.03. Inappropriate Uses of Parenting Coordination.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall not order parenting coordination to determine any of the following:

(A) Whether to grant, modify, or terminate a protection order;

(B) The terms and conditions of a protection order;

(C) The penalty for violation of a protection order;

(D) Changes in the designation of the primary residential parent or legal custodian;

(E) Changes in the primary placement of a child.

**RULE 90.04. Use of Parenting Coordination when Domestic Abuse or Domestic Violence is Alleged, Suspected, or Present.**

When domestic abuse or domestic violence is alleged, suspected, or present, parenting coordination may proceed only if all of the following conditions are satisfied:

(A) The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the parenting coordination process and of the option to have a support person present at parenting coordination sessions;

(B) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic abuse or domestic violence and all other persons involved in the parenting coordination process;

(C) Procedures are in place for the parenting coordinator to terminate a parenting coordination session if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

**RULE 90.05. General Parenting Coordinator Appointment Qualifications.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall not appoint an individual as a parenting coordinator unless the individual meets all of the following qualifications:

- (A) Possesses a master's degree or higher, law degree, or education and experience satisfactory to the court or division;
- (B) Possesses at least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the court or division;
- (C) Has completed in the following order the following training that has been approved by the Dispute Resolution Section of the Supreme Court and that meets standards established by the Supreme Court Commission on Dispute Resolution:
  - (1) At least twelve hours of basic mediation training;
  - (2) At least forty hours of specialized family or divorce mediation training;
  - (3) At least fourteen hours of specialized training in domestic abuse and dispute resolution;
  - (4) At least twelve hours of specialized training in parenting coordination.

**RULE 90.06. Parenting Coordinator Qualifications in Abuse, Neglect, or Dependency Cases.**

In addition to the qualifications under Sup.R. 90.05, a court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall not appoint an individual as a parenting coordinator in an abuse, neglect, or dependency case unless the individual meets both of the following qualifications:

- (A) Possesses significant experience working with family disputes;
- (B) Has completed at least thirty-two hours of specialized child-protection mediation training that has been approved by the Dispute Resolution Section of the Supreme Court and that meets standards established by the Supreme Court Commission on Dispute Resolution.

**RULE 90.07. Parenting Coordinator Continuing Education.****(A) Requirement**

A parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children. The continuing education may include continuing education for

lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events that are approved by the Dispute Resolution Section of the Supreme Court and that meet standards established by the Supreme Court Commission on Dispute Resolution.

**(B) Annual report**

On or before January 1st of each year, a parenting coordinator shall report to each court or division from which the parenting coordinator receives appointments a list of all continuing education training completed during the previous year pursuant to division (A) of this rule, including the sponsor, title, date, and location of each training.

**(C) Failure to comply**

If a parenting coordinator fails to comply with the continuing education requirement of division (A) of this rule, the parenting coordinator shall not be eligible to serve as a parenting coordinator until the requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

**RULE 90.08. Appointment Order.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division, when ordering parenting coordination, shall issue a written appointment order providing information regarding the appointment of the parenting coordinator, including but not limited to the following:

- (A) The name of the parenting coordinator and any contact information for the parenting coordinator the court may choose to include;
- (B) The specific powers and duties of the parenting coordinator;
- (C) The term of the appointment;
- (D) The scope of confidentiality;
- (E) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator.

**RULE 90.09. Responsibilities of Court or Division Using Parenting Coordination.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall do all of the following:

- (A) Maintain a roster of all parenting coordinators appointed by the court or division, including the name; address; telephone number; and, if available, electronic mail address of each parenting

coordinator. The court or division shall require each parenting coordinator to notify the court or division of any changes to this information.

(B) Require each parenting coordinator appointed by the court or division to submit to the court or division a resume documenting compliance with the parenting coordinator qualifications under Sup.R. 90.05 and, if applicable, Sup.R. 90.06. The court or division shall require each parenting coordinator to provide an updated resume to the court or division in the event of any substantive changes to the information contained in the resume.

(C) Require each parenting coordinator appointed by the court or division to submit to the court or division on or before January 1st of each year a list of continuing education training completed by the parenting coordinator during the previous calendar year pursuant to Sup.R. 90.07(A), including the sponsor, title, date, and location of each training;

(D) On or before February 1st of each year, file with the Dispute Resolution Section of the Supreme Court all of the following:

- (1) A copy of the local rule adopted by the court or division pursuant to Sup.R. 90.01;
- (2) A copy of the current roster of parenting coordinators appointed by the court or division maintained by the court or division pursuant to division (A) of this rule;
- (3) A copy of each new or updated resume received by the court or division from a parenting coordinator during the previous year pursuant to division (B) of this rule;
- (4) A copy of each list of continuing education training received by the court or division from a parenting coordinator pursuant to division (C) of this rule.

#### **RULE 90.10. Responsibilities of Parenting Coordinator During Parenting Coordination.**

##### **(A) Compliance with appointment order**

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the court of common pleas or division of the court pursuant to Sup.R. 90.08.

##### **(B) Independence, objectivity, and impartiality**

A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

##### **(C) Conflicts of interest**

(1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from

professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

(2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the appointing court or division and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the court or division.

**(D) Ex parte communications**

A parenting coordinator shall have no ex parte communications with the appointing court or division regarding substantive matters or issues on the merits of the case.

**(E) Legal advice**

A parenting coordinator shall not offer legal advice.

**(F) Report of activity affecting ability to perform**

A parenting coordinator shall have an ongoing duty to report any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

**(H) Disclosure of abuse, neglect, and harm**

(1) A parenting coordinator shall inform the parties the parenting coordinator will report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority.

(2) A parenting coordinator shall report child abuse or neglect pursuant to the procedures in R.C. 2151.421.

**RULE 90.11. Compliance with Guidelines for Parenting Coordination.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division and a parenting coordinator shall comply with the "Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the guidelines and Sup.R. 90 through 90.12, the rules shall control.

**RULE 90.12. Confidentiality, Privilege, and Public Access.****(A) Confidentiality**

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the court, shall not be confidential.

**(B) Privilege**

Except as provided by law, parenting coordination shall not be privileged.

**(C) Public access to parenting coordinator files.**

The files maintained by a parenting coordinator but not filed with a clerk or submitted to a court shall not be available for public access pursuant to Sup.R. 44 through 47

**Appendix 2. Cuyahoga County Domestic Relations Court  
Parenting Coordination Local Rule**

**Rule 38: Parenting Coordination**

1.01 Definitions

As used in this rule:

(A) Domestic Abuse

“Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

(B) Domestic Violence

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

(C) Parenting Coordination

“Parenting coordination” means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.

(D) Parenting Coordinator

“Parenting coordinator” means an individual appointed by the Court to conduct parenting coordination.

1.02 Purpose

This rule allows for the resolution of disputes related to parental rights and responsibilities or companionship time orders outside of Court.

1.03 Scope

The Court may appoint a parenting coordinator upon the filing of a parental rights and responsibilities or companionship time order.

#### 1.04 Limitations of Parenting Coordinator

A parenting coordinator may not determine the following:

- (A) Whether to grant, modify, or terminate a protection order;
- (B) The terms and conditions of a protection order;
- (C) The penalty for violation of a protection order;
- (D) Changes in the designation of the primary residential parent or legal guardian;
- (E) Changes in the primary placement of a child.

#### 1.05 Parenting Coordinator Qualifications, Continuing Education, Reporting

(A) The Court may appoint an individual as a parenting coordinator who has all of the following qualifications:

- (1) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
- (2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
- (3) Has completed the following training approved by the Dispute Resolution Section of the Supreme Court of Ohio:
  - (a) At least twelve (12) hours of basic mediation training;
  - (b) At least forty (40) hours of specialized family or divorce mediation training;
  - (c) At least fourteen (14) hours of specialized training in domestic abuse and dispute resolution;
  - (d) At least twelve (12) hours of specialized training in parenting coordination.

### (B) Continuing Education

(1) To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.

(2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division 1.05(C), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three (3) hours of continuing education for each calendar year of deficiency.

### (C) Reporting.

A parenting coordinator shall submit to the Director of the Parenting Coordination Program:

(1) A resume documenting compliance with division 1.05(B); and

(2) An updated resume in the event of any substantive changes; and

(3) Notification of any changes to name, address, and telephone number and, if available, electronic mail address.

### 1.06 Appointment

(A) The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:

(1) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;

(2) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;

(3) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an Order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

(4) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

(5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;

(6) Any other factor as determined by the Court.

#### (B) Parenting Coordinator Appointment Order

The appointment order shall set forth all of the following:

(1) The name, business address and business telephone number of the parenting coordinator;

(2) The specific powers and duties of the parenting coordinator;

(3) The term of the appointment;

(4) The scope of confidentiality;

(5) The fees and expenses to be charged for the services of the parenting coordinator as set forth in division 1.08(G) of this rule;

(6) The parties' responsibility for the payment of fees and expenses for services rendered by the parenting coordinator;

(7) The parenting coordinator has the right to suspend all services until payment of any unpaid balances;

(8) The terms and conditions of parenting coordination;

(9) Any other provisions specifically agreed to by the parties not in conflict with the definition of parenting coordination as set forth in division 1.01 (C) of this rule.

#### (C) Selection of Parenting Coordinator for Appointment

The parenting coordinator may be selected using one (1) of the following methods:

- (1) By the Court randomly from the Court's roster of parenting coordinators; or
- (2) By the Court based on the type of case, and the qualifications and caseload of the parenting coordinator; or
- (3) By agreement of the parties from the Court's roster of parenting coordinators; or
- (4) By any other method approved by the Court.

#### (D) Prohibited Parenting Coordinator Appointments

The Court shall not appoint a Parenting Coordinator who does not possess the qualifications in division 1.05 of this rule, or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate, guardian ad litem, custody evaluator, therapist, consultant, coach, or other mental health provider to any family member, or attorney for either party. Parties may not waive this prohibition.

#### (E) Appointment of Mediator as Parenting Coordinator

With written consent of the parties, the individual who served as a mediator for the parties may be appointed as the parenting coordinator.

#### (F) Termination or Modification of Parenting Coordinator Appointment

Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

### 1.07 Parenting Coordinator Responsibilities

#### (A) Ability to Perform Duties

A parenting coordinator shall report in writing to the Director of the Parenting Coordination Program any factor that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

(B) Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.

(C) Independence, Objectivity, and Impartiality

A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

(D) Conflicts of Interest

(1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

(2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Director of the Parenting Coordination Program and the parties in writing of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court through the Director of the Parenting Coordination Program.

(E) Ex parte Communications

A Parenting Coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(F) Legal advice

A Parenting Coordinator shall not offer legal advice.

(G) Parenting Coordination Agreements, Reports, and Decisions

(1) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.

(2) The parenting coordinator shall first attempt to assist the parties in reaching an agreement

that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be promptly filed with the Court and include all of the following:

- (a) Case caption, including the case number;
- (b) Date of the decision;
- (c) The decision of the parenting coordinator;
- (d) Facts of the dispute and facts upon which the decision is based;
- (e) Reasons supporting the decision;
- (f) The manner in which the decision was provided to the parties;
- (g) Any other necessary information.

(3) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen (14) days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten (10) days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge shall issue a ruling on the objections within thirty (30) days from the date of the last objection filed.

(4) Upon request of the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:

- (a) Dates of parenting coordination session(s);
- (b) Whether the parenting coordination session(s) occurred or was terminated;
- (c) Requests to reschedule a parenting coordination session(s), including the name of the requestor and whether the request was approved;
- (d) Whether an agreement was reached on some, all, or none of the issues;

- (e) Who was in attendance at each session(s);
- (f) The date and time of a future parenting coordination session(s);
- (g) Whether any decisions were written, and if so, the date(s).

#### 1.08 Parenting Coordination Procedures

##### (A) Screening for and Disclosure of Domestic Abuse and Domestic Violence

- (1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
- (2) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
- (3) When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:
  - (a) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
  - (b) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
  - (c) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

##### (B) Disclosure of Abuse, Neglect, and Harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

(C) Attendance and Participation

(1) The parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order. Parties shall attend parenting coordination sessions as requested by the parenting coordinator. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.

(2) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties.

(D) Referrals to Support Services

A parenting coordinator shall provide information regarding referrals to other resources as appropriate.

(E) Parenting Coordinator Evaluations

(1) A parenting coordinator shall provide parties with the parenting coordinator evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment. The evaluation form shall be completed by the parties and submitted to the Director of the Parenting Coordination Program.

(2) The Director of the Parenting Coordination Program shall complete a review of the parenting coordinators on the Court's roster in January of each year.

(F) Complaint of Parenting Coordinator Misconduct

(1) A party to a case in which a parenting coordinator has been appointed may file a complaint regarding misconduct of the parenting coordinator within one year from the termination of the appointment. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.

(2) The complaint shall be submitted to the Director of the Parenting Coordination Program, and include all of the following:

(a) The case caption and case number;

(b) The name of the parenting coordinator;

(c) The name and contact information for the person making the complaint;

(d) The nature of any alleged misconduct or violation;

(e) The date the alleged misconduct or violation occurred.

(3) The Director of the Parenting Coordination Program shall provide a copy of the complaint to the parenting coordinator;

(4) The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the Director of the Parenting Coordination Program.

(5) The Court designee shall conduct an investigation into the allegations and shall issue a response.

#### (G) Fees

A parenting coordinator shall be paid \$250.00 per hour, unless otherwise ordered by the Court or agreed to by the parties and the parenting coordinator. If the Court determines that the parties are indigent, some of the fees associated with the parenting coordinator may be waived. The parenting coordinator has the right to suspend all services until payment of any unpaid balances.

#### 1.09 Confidentiality and Privilege

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

#### 1.10 Public Access

The files maintained by a Parenting Coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

#### 1.11 Model Standards

The Court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the “Guidelines for

Parenting Coordination” and this rule, this rule shall control.

#### 1.12 Court Reporting Requirements

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all of the following:

- (A) A copy of this rule;
- (B) A copy of the Court’s current roster of parenting coordinators;
- (C) A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;
- (D) A copy of each list of continuing education training received by the Court from each parenting coordinator.

#### 1.13 Sanctions

The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney’s fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.











## Appendix 8. Parenting Coordination Survey of Parents

Parent Survey	
Part I: Demographics and Usage	
1.	<p>What is your gender?</p> <p><input type="radio"/> Male</p> <p><input type="radio"/> Female</p>
2.	<p>What is your age?</p> <p><input type="radio"/> 29 or under</p> <p><input type="radio"/> 30 to 39</p> <p><input type="radio"/> 40 to 49</p> <p><input type="radio"/> 50 or over</p>
3.	<p>What is your race or ethnicity?</p> <p><input type="radio"/> White/Caucasian</p> <p><input type="radio"/> Hispanic/Latino</p> <p><input type="radio"/> African American/Black</p> <p><input type="radio"/> Native American/Alaskan Native</p> <p><input type="radio"/> Other (please specify)</p> <p><input type="text"/></p>
4.	<p>How well were you informed about the role of a parenting coordinator and the parenting coordination process before your first contact with the parenting coordinator?</p> <p><input type="radio"/> Not at all</p> <p><input type="radio"/> Somewhat informed</p> <p><input type="radio"/> Well informed</p>
5.	<p>How often has the parenting coordinator been contacted for help?</p> <p><input type="radio"/> Every day</p> <p><input type="radio"/> Once or twice a week</p> <p><input type="radio"/> Once or twice a month</p> <p><input type="radio"/> Once or twice every six months</p> <p><input type="radio"/> Once or twice a year</p> <p><input type="radio"/> Never</p>
6.	<p>What kinds of disputes has the parenting coordinator been asked to help with? (Check all that apply)</p> <p><input type="checkbox"/> Time sharing schedules during school year</p> <p><input type="checkbox"/> Vacations, holidays, days of special meaning arrangements</p> <p><input type="checkbox"/> Medical, dental and vision care</p> <p><input type="checkbox"/> Child-rearing issues</p> <p><input type="checkbox"/> Daily routine</p> <p><input type="checkbox"/> Discipline</p> <p><input type="checkbox"/> Substance abuse assessment or testing for either or both parents or a child</p> <p><input type="checkbox"/> Education (school choice, tutoring, summer school, participation in special education testing and programs, etc.)</p> <p><input type="checkbox"/> Enrichment/extracurricular activities/camp/jobs</p> <p><input type="checkbox"/> Religious education and observances</p>

- Children's travel and passport arrangements
- Clothing, equipment, and personal possessions of the children
- Communication between the parents
- Parent's communication with the children
- Alteration of children's appearance (haircuts, tattoos, ear and body piercing, etc.)
- Role of/contact with significant others and extended families
- Daycare/babysitting
- Psychotherapy, counseling, psychological testing of the parents
- Psychotherapy, counseling, psychological testing of the children
- Payment issues (for children's extracurricular activities, daycare service, transportation between households, medical bills, etc.)
- Other (please specify)

7. If the parenting coordination process has ended, what were the reasons?

- Term of appointment over
- Children reached age of majority
- Lack of reasonable progress
- Parenting coordinator no longer able to work with parents in an unbiased manner
- No longer need assistance of a parenting coordinator
- Parenting coordinator services too costly
- Parenting coordinator discontinued services for personal reasons unrelated to parenting coordination
- Parenting coordinator unable or unwilling to continue to serve
- One or both parents are non-compliant
- One or both parents refused to pay for services
- Other (please specify)

8. If the parenting coordination process has ended, how long did your relationship with your parenting coordinator last?

- 0 to 6 months
- 6 to 12 months
- 13 to 18 months
- 19 to 24 months
- 2+ years
- Has not ended

## Part II: Parenting Coordination Effectiveness

9. The parenting coordination process helped me and the other parent resolve problems.

Strongly agree      Somewhat agree      Neutral/No comment      Somewhat disagree      Strongly disagree

10. The parenting coordinator helped me and the other parent improve our communication.

Strongly agree      Somewhat agree      Neutral/No comment      Somewhat disagree      Strongly disagree

11.	The parenting coordination process helped reduce conflict between me and the other parent.	Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12.	The parenting coordination process helped me develop skills on how to avoid conflict and future disputes.	Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13.	Did the parenting coordination process change your ability to work with the other parent?	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14.	The parenting coordination process was fair.	Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15.	Were you satisfied with the parenting coordination process?					
		<input type="radio"/> Yes				
		<input type="radio"/> NO				
16.	What were your initial feelings about the parenting coordination process?	Very positive	Somewhat positive	Neutral	Somewhat negative	Very negative
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17.	What are your current feelings about the parenting coordination process?	Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
18.	What did you like about the parenting coordination process?					
		<input type="checkbox"/> Saved money compared to cost of litigation				
		<input type="checkbox"/> Resolved dispute quickly				
		<input type="checkbox"/> Less adversarial than court process				
		<input type="checkbox"/> Less formal than court process				
		<input type="checkbox"/> Parent coordinator listened to my concerns				
		<input type="checkbox"/> More efficient than court process				
		<input type="checkbox"/> More personal than court process				
		<input type="checkbox"/> More private than court process				
		<input type="checkbox"/> Other (please specify)				
		<input type="text"/>				

19. What did you dislike about the parenting coordination process?

- Parenting coordinator did not listen to me
- Parenting coordinator had too much authority
- Parenting coordinator did not have enough authority
- Parenting coordinator would not make a decision
- Parenting coordinator not available when needed
- Too costly
- Other (Please specify)

20. What would have made the process more valuable or effective?

21. Did you like the parenting coordination concept, even if you did not like the parenting coordinator appointed in your case?

- Yes
- No

### Part III: Cost of Parenting Coordination

22. What hourly rate did the parenting coordinator charge?

- Under \$100
- \$100 to \$149
- \$150 to \$199
- \$200 to \$249
- \$250 to \$299
- \$300 or more

23. How much of a retainer, if any, did the parenting coordinator require?

- \$0
- Under \$500
- \$500 to \$999
- \$1,000 to 1,499
- \$1,500 to \$2,499
- \$2,500 or more

24. Was the cost of parenting coordination affordable?

- Yes
- No

25. Was parenting coordination a good value for what you were charged?

- Yes
- No

Why?

26. Were there any disputes over fees for providing parenting coordination services?

Yes

No

If yes, explain the nature of the disputes.

#### Feedback

27. You are at the end of the survey. Thank you for your participation. If you have suggestions or comments about the survey, please add them here.

## Appendix 9. Parenting Coordinator Survey of Attorneys

### Attorney Survey

#### Part I: Parenting Coordination Practices and usage

1. How many cases have you been involved in where a parenting coordinator has been appointed?
  - 0 to 2
  - 3 to 5
  - 6 to 10
  - 11 to 15
  - 16+
  
2. What information do you give your clients about the parenting coordination process in cases where a parenting coordinator has been appointed?
  
3. How often have you attended and participated in the parenting coordination process?
  - Never
  - Rarely
  - Sometimes
  - Routinely

#### Part II: Parenting Coordination Effectiveness

4. Have your clients contacted you on parenting matters since a parenting coordinator was appointed?
  - No
  - Yes

If "yes," state reasons
  
5. Did the parenting coordination process help reduce the conflict between the parents?
 

Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
<input type="radio"/>				
  
6. Did the parenting coordination process help your clients learn how to avoid conflict and future disputes?
  - No
  - Yes
  - Don't know
  
7. Are your clients satisfied with the parenting coordination process?
  - Very satisfied
  - Somewhat satisfied
  - Not satisfied
  - Don't know

Explain:

8. Do you think that your clients were more satisfied with the parenting coordination process as compared to the court process?

- Yes  
 No  
 Don't know

Explain:

9. Did the appointment of a parenting coordinator result in a reduction in litigation?

Greatly reduced    Somewhat reduced    No change    Somewhat increased    Greatly increased    Don't know

Explain:

10. Do you believe parenting coordination can be beneficial if it is ordered over the objection of one or both parents?

- Yes  
 No

Explain:

11. What are indicators that suggest a family will benefit from the parenting coordination process?

- Parents respect authority  
 Parents invested in process working  
 Parents tired of court process  
 Parents genuinely desire to reduce conflict  
 Parents concerned about the cost of litigation  
 Disputes parents have are not appropriate for court to decide  
 Other (please specify)

12. What are indicators that suggest a family will not benefit from the parenting coordination process?

- Substance abuse  
 Domestic violence  
 One or both parents not invested in process  
 Personality disorder of a parent  
 Other (please specify)

13. Which of the following are important to the success of parenting coordination?

- Immediate initial meeting with the parenting coordinator upon appointment and before issues arise  
 Good match between parents and parenting coordinator  
 Each parent be required to pay a portion of the cost  
 Decisions be made promptly if negotiated resolution not possible  
 Parenting coordinator knowledgeable about domestic relations law  
 Parenting coordinator able to interpret legal documents  
 Other (please specify)

14. What aspects of the parenting coordination process do you find valuable?

15. What aspects of the parenting coordination process do you dislike?

16. Would you recommend appointing a parenting coordinator in future cases?

Yes

No

Explain:

#### Feedback

17. You are at the end of the survey. Thank you for your participation. If you have suggestions or comments about the survey, please add them here.

**Appendix 10. Parenting Coordinator Survey of Parenting Coordinators****Parenting Coordinator Survey****Part I: Demographics and Usage**

1. What is your primary discipline/area of professional practice? (If more than one discipline/area applies, select the practice in which you spend the greatest amount of time.)
  - Attorney
  - Mediator
  - Psychologist
  - Social Worker/Clinical Social Worker
  - Marriage and Family Therapist
  - Licensed Professional Counselor/Clinical Counselor
  
2. Where is your practice located?
  - Eastside
  - Westside
  - Downtown
  - Multiple locations
  
3. What is your gender?
  - Male
  - Female
  
4. What is your age?
  - 29 or under
  - 30 to 39
  - 40 to 49
  - 50 to 59
  - 60+
  
5. What is your race or ethnicity?
  - White/Caucasian
  - Hispanic/Latino
  - African American/Black
  - Asian/Pacific Islander
  - Native American/Alaskan Native
  - Other (specify)
  
6. What are your total years of professional experience with situations involving children?
  - 0 to 5 years
  - 6 to 10 years
  - 11 to 20 years
  - 21+ years

7. What are your total years of experience providing parenting coordination services?
- 0 to 2 years  
 3 to 5 years  
 6 to 10 years  
 11 to 15 years  
 16+ years
8. On how many cases have you provided parenting coordination services?
- 0 to 2  
 3 to 5  
 6 to 10  
 11 to 15  
 16+
9. What percentage of your professional practice is devoted to providing parenting coordination services?
- 0 to 19%  
 20 to 39%  
 40 to 59%  
 60 to 79%  
 80 to 100%
10. What is the maximum number of cases you can handle at one time?
- 1 to 5  
 6 to 10  
 11+
11. If you have not formally applied to be placed on the court's list of approved parenting coordinators, what are the reasons?
- 

#### Part II: Parenting Coordination Practice

12. What documents do you need to begin the parenting coordination process? (Check all that apply)
- Order of appointment  
 Most recent custody/parenting orders  
 All court orders in the case  
 Previous custody/parenting evaluations and reports  
 Previous guardian ad litem reports  
 Other (please specify)
- 
13. Typically, how much time do you spend preparing and reviewing documents before meeting with the parents for the first time after you are appointed?
- 1 hour or less  
 Between 1 and 2 hours  
 Between 2 and 3 hours  
 More than 3 hours

14. How well are the parents informed as to the role of a parenting coordinator and the parenting coordination process before their first contact with you?
- Not at all  
 Somewhat informed  
 Well informed
15. What, if anything, should the court do to inform and prepare parents and attorneys about the parenting coordination process? (Check all that apply)
- Explain the process to parents and attorneys in court  
 Provide written materials to parents explaining the parenting coordination process  
 Obtain completed background/intake forms from the parents and provide them to the parenting coordinator  
 Other (please specify)
16. What methods of communication do you use as a parenting coordinator? (Check all that apply)
- Face-to-face meetings with both parents present  
 Face-to-face meeting with one parent present  
 Meetings via telephone conferencing  
 E-mail  
 Text messaging  
 US mail  
 "Our Family Wizard" or similar on-line communication sites  
 Social networking sites  
 Other (please specify)
17. Typically, how often do parents contact you for help with disputes?
- Every day  
 Once or twice a week  
 Once or twice a month  
 once or twice a year  
 Never  
 Other (specify)

18. What kinds of disputes have you had to address as a parenting coordinator? (Check all that apply)

- Time sharing schedules during school year
- Vacations, holidays, days of special meaning arrangements
- Transportation and exchanges (drop-off, pick-up)
- Medical, dental, and vision care
- Child-rearing issues
- Daily routine
- Discipline
- Substance abuse assessment or testing for either or both parents or a child
- Education (school choice, tutoring, summer school, participation in special education testing and programs, etc.)
- Enrichment/extracurricular activities/camp/jobs
- Religious education and observances
- Children's travel and passport arrangements
- Clothing, equipment, and personal possessions of the children
- Communication between the parents
- Parent's communication with the children
- Alteration of children's appearance (haircuts, tattoos, ear and body piercing, etc.)
- Role of/contact with significant others and expended families
- Daycare/babysitting
- Psychotherapy, counseling, psychological testing of parents
- Psychotherapy, counseling, psychological testing of the children
- Payment issues (for children's extracurricular activities, daycare service, transportation between households, medical bills, etc.)
- Other (please specify)

19. How often have the children attended and participated in the parenting coordination process?

- Never
- Rarely
- Sometimes
- Routinely

Explain reasons for participation

20. How often have the parent's attorneys attended and participated in the parenting coordination process?

- Never
- Rarely
- Sometimes
- Routinely

Explain reasons for participation

21. How often have other people attended and participated in the parenting coordination process? (For example, extended family or friends, etc.)

- Never  
 Rarely  
 Sometimes  
 Routinely

Explain reasons for participation

22. How often do you seek collateral information from a guardian ad litem or custody/parenting evaluator?

- Never  
 Rarely  
 Sometimes  
 Routinely

23. How often do you seek collateral information from mental health providers of parents or children?

- Never  
 Rarely  
 Sometimes  
 Routinely

24. How often do you seek information from other collateral sources? (For example, health care providers, education or day care provider, etc.)

- Never  
 Rarely  
 Sometimes  
 Routinely

25. Can a parenting coordinator effectively provide services if he or she is not close geographically to the parents?

- Yes  
 No

Explain:

26. How often have you had to make a parenting coordination decision?

- 0 to 10% of the disputes  
 11 to 20% of the disputes  
 21 to 30% of the disputes  
 31 to 40% of the disputes  
 41 to 50% of the disputes  
 More than 50% of the disputes

27. How often has a parent formally appealed to the court a parenting coordination decision you made?
- Never
  - 1 to 3 times
  - 4 to 6 times
  - More than 6 times
28. On average, how long has your parenting coordination relationship with a family lasted?
- 0 to 6 months
  - 6 to 12 months
  - 13 to 18 months
  - 19 to 24 months
  - 2+ years
29. For what reasons have your parenting coordination relationships with families ended?  
(Check all that apply)
- Term of appointment over
  - Children reached age of majority
  - Lack of reasonable progress
  - Parenting coordinator no longer able to work with parents in an unbiased manner
  - Parents/family no longer needed assistance of a parenting coordinator
  - Parenting coordination services too costly for parents
  - Parenting coordinator discontinued services for reasons unrelated to parenting coordination
  - Parenting coordinator unable or unwilling to continue to serve
  - One or both parents are not-compliant
  - One or both parents refused to pay for services
  - Other (please specify)
- 
30. What is the optimal duration for a parenting coordinator appointment?
- 1 year
  - 2 years
  - 3 years
  - 4 years
  - 5 years
  - Other (specify)
- 
31. What do you consider to be best practices in providing parenting coordination services?
-

## Part III: Parenting Coordination Effectiveness

32. How often have cases returned to court after you were appointed as a parenting coordinator?

- Never  
 Rarely  
 Occasionally  
 Frequently  
 Don't know

33. Generally, the level of conflict between parents after the appointment of a parenting coordinator:

Greatly increased      Increased      Stayed the same      Decreased      Greatly decreased

34. How did the parenting coordination process affect the parents' ability to work with each other?

Significantly improved      Somewhat improved      No change      Somewhat worsened      Significantly worsened

35. How did the parenting coordination process affect the parents' ability to solve problems?

Significantly improved      Somewhat improved      No change      Somewhat worsened      Significantly worsened

36. How did the parenting coordination process affect the parents' communication with each other?

Significantly improved      Somewhat improved      No change      Somewhat worsened      Significantly worsened

37. The parenting coordination process helped the parents understand the effects of their behaviors on their children.

Strongly agree      Somewhat agree      Neutral/No opinion      Somewhat disagree      Strongly disagree

38. Do you believe parenting coordination can be beneficial if it is ordered over the objection of one or both parents?

- Yes  
 No

Explain:

39. Which of the following is an indicator that a family is likely to benefit from the parenting coordination process? (Check all that apply)

- Parents respect authority
- Parents invested in process working
- Parents tired of court process
- Parents genuinely desire to reduce conflict
- Parents concerned about the cost of litigation
- Other (please specify)

40. Which of the following is an indicator that a family is not likely to benefit from the parenting coordination process? (Check all that apply)

- Substance abuse
- Domestic violence
- One or both parents not invested in process
- Personality disorder of a parent
- Other (please specify)

41. Which of the following are important to the success of parenting coordination? (Check all that apply)

- Immediate initial meeting with the parenting coordinator upon appointment and before issues arise
- Good match between parents and parenting coordinator
- Each parent be required to pay a portion of the cost
- Decisions be made promptly if negotiated resolution not possible
- Parenting coordinator knowledgeable about domestic relations law
- Parenting coordinator able to interpret legal documents
- Other (please specify)

42. What services/training/resources could the court offer that would assist you in providing parenting coordination services? (Check all that apply)

- Monthly parenting coordinator meetings
- Continuing education courses related to children
- Parenting coordination skills training
- Other (please specify)

43. How can the court's parenting coordination program be improved?

**Part IV: Cost of Parenting Coordination**

44. What hourly rates have you charged as a parenting coordinator?
- Under \$100  
 \$100 to \$149  
 \$150 to \$199  
 \$200 to \$249  
 \$250 to \$299  
 \$300 or more
45. How much of a retainer, if any, do you require?
- \$0  
 Under \$500  
 \$500 to \$999  
 \$1,000 to 1,499  
 \$1,500 to \$2,499  
 \$2,500 or more
46. On average, how many hours do you bill per month per family?
- 0 to 1 hour  
 2 to 4 hours  
 5 to 7 hours  
 8 to 10 hours  
 More than 10 hours
47. How do you allocate the cost of parenting coordination between parents?
- 
48. If the cost is allocated unequally between parents, what would influence your decision to do so?
- 
49. Have you had disputes over fees billed for providing parenting coordination services?
- Yes  
 No
- If yes, what was the nature of the dispute?
- 
50. What practices could the court adopt to enhance timely payment of parenting coordination fees? (Check all that apply)
- Require the parents to post a cash bond with the court to secure payment for future services  
 Oversee collection of parenting coordination fees  
 Other (please specify)
-

**Part V: Liability/Complaints/Claims**

51. Does your professional insurance coverage cover parenting coordination services?

Yes

No

If yes, what was the nature of the dispute?

52. Have you had a claim, law suit complaint, disciplinary complaint, grievance, or insurance claim made against you that was related to providing parenting coordination services?

Yes

No

53. If "Yes," what was the nature of the claim, law suit, complaint, disciplinary complaint, grievance, or insurance claim made against you, and how was it resolved?

54. How concerned are you about receiving a claim, law suit, complaint, disciplinary complaint, grievance, or insurance claim related to providing parenting coordination services?

Very concerned

Somewhat concerned

Little concern

No concern

55. In what way can the court support parenting coordinators in avoiding a claim, law suit, complaint, disciplinary complaint, grievance, or insurance claim related to providing parenting coordination services?

**Feedback**

56. You are at the end of the survey. Thank you for your participation. If you have suggestions or comments about the survey, please add them here:

## Appendix 11. Survey Letter to Parents



CUYAHOGA COUNTY COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS

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September 23, 2015

Dear Parent:

The Cuyahoga County Domestic Relations Court is conducting a research study to determine whether parenting coordination is effective in reducing court litigation and parental conflict.

We request your participation in a survey examining the experiences of parents who are receiving parenting coordination services, attorneys, and parenting coordinators. Please help us by sharing your views and experience with the parenting coordination process.

Your responses will help the Court assess and evaluate the effectiveness of parenting coordination.

This survey was developed in connection with a fellowship certification program through the Institute for Court Management of the National Center for State Courts.

**What we are asking of you:**

Please complete an online survey by following the link below. The survey will take approximately 15 minutes of your time to complete. There are no wrong answers.

All answers are confidential and anonymous.

**How to access the survey:**

To access the survey please click on the following link: <https://www.surveymonkey.com/r/XFS92PC>.

If you have any concerns or questions, please contact Christina Brown at [cbrown2@cuyahogacounty.us](mailto:cbrown2@cuyahogacounty.us).

Thank you in advance for your help.

The Cuyahoga County Domestic Relations Court

## Appendix 12. Survey Letter to Attorneys



CUYAHOGA COUNTY COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS

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September 23, 2015

Dear Attorney:

The Cuyahoga County Domestic Relations Court is conducting a research study to determine whether parenting coordination is effective in reducing court litigation and parental conflict.

We request your participation in a survey examining the experiences of parents, attorneys, and parenting coordinators. You are receiving this survey because you are an attorney whose client has received parenting coordination services. Please help us by sharing your views and experience with parenting coordination.

Your responses will help the Court assess and evaluate the effectiveness of parenting coordination, and better understand the process and practice of parenting coordination.

This survey was developed in connection with a fellowship certification program through the Institute for Court Management of the National Center for State Courts.

**What we are asking of you:**

Please complete an online survey by following the link below. The survey will take approximately 10 minutes of your time to complete. There are no wrong answers.

All answers are confidential and anonymous.

**How to access the survey:**

To access the survey please click on the following link: <https://www.surveymonkey.com/r/MLGTYG6>.

If you have any concerns or questions, please contact Christina Brown at [cbrown2@cuyahogacounty.us](mailto:cbrown2@cuyahogacounty.us).

Thank you in advance for your help.

The Cuyahoga County Domestic Relations Court

## Appendix 13. Survey Letter to Parenting Coordinators



CUYAHOGA COUNTY COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS

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September 23, 2015

Dear Parenting Coordinator:

The Cuyahoga County Domestic Relations Court is conducting a research study to determine whether parenting coordination is effective in reducing court litigation and parental conflict.

We request your participation in a survey examining the experiences of parents, attorneys, and parenting coordinators. Please help us by sharing your views and experience with parenting coordination.

Your responses will help the Court assess and evaluate the effectiveness of parenting coordination, and better understand the process and practice of parenting coordination.

This survey was developed in connection with a fellowship certification program through the Institute for Court Management of the National Center for State Courts.

**What we are asking of you:**

Please complete an online survey by following the link below. The survey will take approximately 15 minutes of your time to complete. There are no wrong answers.

All answers are confidential and anonymous.

**How to access the survey:**

To access the survey please click on the following link: <https://www.surveymonkey.com/r/X58XNRG>.

If you have any concerns or questions, please contact Christina Brown at [cbrown2@cuyahogacounty.us](mailto:cbrown2@cuyahogacounty.us).

Thank you in advance for your help.

The Cuyahoga County Domestic Relations Court

#### **Appendix 14. Parents Opinion Survey on Parenting Coordination – Comments**

##### **Question 6: What kinds of disputes has the parenting coordinator been asked to help with?**

- I have never been contacted by a Parenting Coordinator but would definitely appreciate the connection. The only assistance we had was too expensive and became biased anyway.
- She basically sat there and just had us argue over all kinds of topics instead of what we were there for. She was no help at all and told me that there was nothing she could do for me legally anyways. It was truly a waste of time and money that I had to spend.
- purchase of and or possession of weapons/illegal material by former spouse and significant other
- na
- offensive comments

##### **Question 7: If the parenting coordination process has ended, what were the reasons?**

- still involved
- Parent coordinator over charging and padding the bill.
- I ended services because things just getting prolonged and nothing was getting accomplished and the parent coordinator couldn't legally help us resolve any of the issues that were brought up. I spent many days and hours copying papers and documents for the parent coordinator to look at and while talking with her it was obvious she failed to ever look at any of it. Parent coordinating is a total waste of time and money. All it does is prolong the court process from being resolved.
- The child with the most problems with her Dad was taken away from her biological Father finally!
- Ex Wife refused to cooperate/participate
- Getting divorced almost bankrupted me so I can not in any way afford the cost of a parenting coordinator.
- work in progress
- The Domestic Relations Court refused to make the Mother follow the order the Mother refused to follow

##### **Question 15: Were you satisfied with the parenting coordination process?**

- The coordinator helped me communicate with my X and that we can have fair schedule time for visitation.
- ex never paid the PC's fees and the PC refused to work on our case
- PC needs to have a better of a relationship with the families before making recommendations
- Parent coordinator never reviewed previous G.A.L.'s or court documents. Never interviewed us together. Went against the Shared Parenting Agreement & disallowed me to have visitation with one of my children without probable cause.
- The only assistance we had, beyond attorneys, we paid for and it became too expensive

- This is the wrong solution to a problem, I am being very flexible and workable, however my spouse is high conflict so basically I just have to give in to his bullying and actions that are not in the best interest of the kids or pay \$300/hr to get him to do what he is supposed to do and act in the kids best interest. The divorce was very costly so I have to pick and choose what I contact the PC about because going into debt is not in the best interest of my kids either, their father is not so mindful about expenses and will contact the PC about every little thing. And typically the PC's decision is some weird half way mediated solution that is still ridiculous and not in the best interest of the kids. I guess less costly than going to court but still not a resolution and as a result my kids remain in a high-conflict situation which is damaging to them. Their father will never see or admit to this being damaging to them, he is a self-centered person and it is all about him and his time, not truly about the kids. So you are expecting an expensive third party to solve this when he will never change, I have come to accept this yet the courts don't and didn't take a good look at things during the divorce proceedings and still are committing willful blindness in my case and do not see or care to acknowledge his poor damaging behavior.
- Absolutely not satisfied. It was just someone who sat there and made us fight about everything. It made trying to agree on things and get along much worse than it already was.
- The singular time the process was utilized within the past 3 1/2 years was satisfying.
- My ex spouse frequently liked to file in the court in order to control me through fear/threats and financial control (he makes about 4X's my income). I agreed to move towards joint custody with a parenting coordinator that he paid the bill solely for. This plan his increased responsibility over the impact of his complaints and a decreased ability to threaten me or negatively affect our child, our situation has improved significantly.
- Yes it took 3 years of court and 2 more years of the parent coordinator to get my daughter away - but it did happen. Paying her was not fair- my ex caused the problems so he should of had to pay for the coordinator most of the time.
- Too expensive. Maybe rich people can afford something like this but not normal people.
- [Name omitted] is very fair, reasonable, and diligent.
- The Domestic Relations court mandated by court order that we were to use the parenting coordinator. However, when the mother refused the Court also refused to enforce the very court order it set. The Domestic Relations Court refused to act to help Dads and continually allows Mothers to violate court order with no consequence. Until the Court enforces its own court orders on Mothers as well as Men this process will be useless and a waste of taxpayer money. Mothers should have to follow court orders. It is in the best interests of children (if this is truly the intention of the court) to have two loving parents involved in their lives. It is unfair and unconscionable that courts constantly refuse to make Mothers act in the best interests of children.

**Question 18: What did you like about the parenting coordination process?**

- The initial hope it may give Fathers equal rights.

- I would like to set up a parenting coordination
- She is very nice and seem very caring; however feel that her hands are tied and she can only be so effective since my ex-husband is so difficult.
- There is nothing I like about the process. It is a total waste of time.
- Removed the ability to control through fear and intimidation
- I wish the courts would have stepped up to the plate and made the decision to take my daughter away. But they would not do it so it cost me thousands more to have a coordinator for 2 more years

**Question 19: What did you dislike about the parenting coordination process?**

- Responses are reactive to isolated conflicts
- Parent coordinator pre-judged me & I had to always be on the defense for being a father & not a friend.
- Again not solving the problem, just providing another ongoing expense and audience for my ex-spouse to complain to.
- The parent coordinator has no legal authority so therefore can't get anything accomplished. It is just an extra expense to pay on top of all the lawyer fees and court cost. Not including all the time missed at work.
- The details as to how the parent coordinator would be paid were either conflicting or not addressed in the divorce decree which created an awkward position for the assigned coordinator who hesitates to be involved due to this matter.
- The courts should have taken my daughter away from my ex
- Our Guardian at Litem [name omitted] completely rendered the process ineffective due to his continued butting in the process and rendering opinions or observations AFTER and During rulings by the Parenting Coordinator when my ex wife would contact him when she disagreed with the PC rulings. [Name omitted] single handly made this process ineffective and Cleary Over Rode The written powers of the PC agreement.
- Court would not enforce the order for a coordinator

**Question 20: What would have made the process more valuable or effective?**

- Courts need to ensure retainer is paid before final decree and address issue of how to ensure both parents will continue to pay PC's fees
- Need more of a relationship with the coordinator. She made decisions about kids and never met them.
- If they would actually listened & not make it a platform of negativity complaints from my ex-wife. I was told I had to be the "Fun DAD", take my kids out for dinner & do activities during my time. I was berated for being a Father, and my authority was taken away.
- The courts need to look at the evidence and truly act in the best interest of the children. Even had a GAL involved and it was more about the rights of the parents than the well-being of the children. The courts refused to look at factual information or talk to the people that knew the kids they just went by whatever claims my ex-spouse made and

show that he put on for the courts, if they would have looked one layer deeper they would have seen that there was nothing behind the curtain but couldn't be bothered to take a look or even review real evidence. So the PC process is just that another long drawn out court process that leaves kids in high conflict while the court just sits back and waits and hope things will just work things out on their own. If that were the case the divorce would have been settled with mediation or mostly out of the court process. Courts have unrealistic expectations and take way to long to address issues that are hurting the kids. Major reform of the court process is needed, implementing the PC process is a small band aid on the problem and does not do enough to truly help and protect the kids.

- If the parent coordinator could actually discuss the real issues at hand, and had the legal authority to make an official document and have both parties sign and have it submitted to the court as an official document to be held accountable for.
- Having another attorney involved after years of legal fees is not an embraceable or even viable idea.
- I would have preferred that this have been an option available to us at the time of divorce. We had a highly contentious divorce. I was awarded full custody and no parenting plan offered until a treatment program was started (at the recommendation of custody evaluators) and a step up plan upon recovery. He did not maintain sobriety once the court steps were taken and frequently violated our court orders. This left me to co-parent with someone who is often making decisions under the influence of substances which is very difficult to do. Every court person I spoke with said continued litigation would be my life so I think it would have been beneficial for the service to be in place from the beginning. I wanted to work together, but it was often very difficult to work together because he would use threatening tactics to get what he wanted. Anything me or my attorney tried to do to lessen the opportunity to do this, he would object to. Because our parenting coordinator deals with him directly on decisions, I no longer have to worry about what he will do if I do not give into his demands and he is required to pay for each issue he has, so I am finally after 6 years no longer living under a huge financial debt from court costs.
- If the courts would have done their job - instead of making people broke financially. We had so much proof that he was a terrible Father.
- Our Guardian at Litem [name omitted] needs to stay out of the process, especially after the court proceeding were over and the PC agreement was written and agreed upon by the court. [Name omitted] behavior was unprofessional to the point of rendering some of the most important discussions being unable to be solved. This has been [name omitted] protocol again and again of stepping in to defend my ex wife when she writes him and he intervenes. It should have been the PC whom, after hearing both parties issue's, renders a ruling on his own as per the court order. It's sad that this process was not conducted as intended due to [name omitted]s unprofessional behavior.
- Actually being able to afford to see her.
- Judges that enforced court orders when Mothers violate

**Question 25: Was parenting coordination a good value for what you were charged?**

- Too costly
- Cost of the PC should be attributed to the parent that causes the issues. Both should not be responsible.
- \$150 per hour, & I only made \$20,000/yr
- it would have cost more to deal with attorneys and or court
- He became biased and did not work at reuniting the children with both parents.
- I have a high conflict spouse that is also not mindful of expenses, so will go to the PC with everything and anything. His constant interaction with her (tells her good things he is supposedly doing but she doesn't have time to look at the facts either) has skewed her perceptions of what is going on and see things as going much better than they are.
- Nothing could legally be accomplished and it was nothing but an added expense to me.
- Yes. Contact with her was far less than any other court option would have been. She was fair and efficient.
- I did not cause any problems. He should have had to pay but then I was punished more by having big bills from him and his hassle
- We never paid the deposit for a parenting coordinator so it never happened but it is a good idea if both parties would agree
- The Coordinator was good, the price was fair, Domestic relations judges fail to enforce the order for a coordinator. I am disappointed in judges that act in the interest of women rather than children

**Question: 26: Were there any disputes over fees for providing parenting coordination services?**

- Ex never paid retainer and PC refused to work on our case
- billing for services I never inquired about. Over billing, padding the bill.
- I was unable to pay and he put a lien on my house. I eventually paid him but had to see my house to do so.
- When services were ended I was informed by the parenting coordinator that I would get a refund for all of the remainder of my balance I had with them by the end of the week. Every time I called or came to the office I kept getting excuses and runarounds about my refund. It took over 3 months before I received the remainder of my balance back when I was originally told it would be ready by the end of the week. That is poor business because they would not even see me for one visit without paying \$1,500 up front.
- The details pertaining to payment were not arranged in the divorce decree which has created reticence for the coordinator to become involved.
- My ex husband (who was the only one to ever file in court) is responsible for all the charges incurred. I only contacted the parenting coordinator on one occasion when my ex threatened to contact another country's offices to tell them I was taking our child there illegally (although he had already given consent, a signed affidavit, and our order states she is allowed to travel).

- I didn't complain because I needed help and she was court appointed and he kept causing problems.
- I don't understand the question.

**Question 27: If you have suggestions or comments about the survey, please add them here.**

- I believe that the parenting coordinator is a great idea, much cheaper than courts and lawyers and much more effective especially when divorced parents use the children as a retaliation tool against the other parent.
- PC idea is good however more work needs to be made at establishing a relationship with the families. Their needs to be consistency so they get a full grasp of family dynamics.
- Coordinators need to be more open minded & not give the impression of being biased. I was pre-judged & not given the benefit of the doubt. I was told I wasn't allowed to see one my children based on a lie & wasn't given a chance to dispute.
- I would like to be connected with a parent coordinator who would be interested in assisting with rebuilding the connection with my children and myself. [Telephone number and name omitted]
- Major court reform is needed. Everything I have read about the courts and high-conflict personalities as well as what I have experienced have shown that they create havoc to the whole process and the courts are too influenced based upon perceptions and ignoring facts. Courts need to be a place where honest people can come and be honest and the courts can help them resolve issues. In my case the court process has put my kids in direct line of their father and subjecting them to emotional and verbal abuse, young kids don't even know what this is or that it is a problem. I am still subjected to it as well as I try and act in the kids best interest and stick up for them. So the court process has made the situation for my kids worse and we just started counseling to begin to address the damage that has occurred and hopefully have enough evidence to get my kids out of this bad situation. But the entire process is too slow to address this situation.
- I would strongly advise that parent coordinating be taken out of the court process. It is just a complete waste of time and it only makes conflict worse.
- This was a proverbial 11th hour addition to the divorce. At that point, one is beyond anxious to end relationships with attorneys and the invasive nature of someone else having authority over your children.
- Again, I think that had a parenting coordinator been established (with my ex husband responsible for the charges) from the beginning, we would have spent less time in the family court. I also think that it could have limited some of the collateral damage from the court costs (ie. less time enjoying the moment with our child because we had to spend the day sitting at court or with evaluators, limited the animosity from extended family members, allowing more financial resources to be spent on our child and nurturing her experiences in life, and overall being able to have a life that does not include daily fear). I don't think it would have worked alone if it had not been required for my ex to have to be financially responsible (spending my resources on court was his most common threat, behind taking our child away from me and destroying my business). I think it is a great

service but needs to be tailored to each family's situation as mine was tailored to have my ex financially responsible. I am very thankful to have found my parenting coordinator and for the improvement it has made in our quality of life.

- The Cuyahoga Courts are the worst. They should never let the process go on for 3 years and then give me a parent coordinator because they could not do their job for another 2 years.
- If Judges treated Moms and Dads fairly acting in the interests of children rather than in the interest of women and enforced court orders on Moms, this would be a great process. Until Domestic Relations Courts see Dads as parents this is a waste of taxpayer dollars.

**Appendix 15. Parents Opinion Survey on Parenting Coordination  
Additional Comments of Parents Attempting to Respond**

E-mail of Parent 1:

- I know my response is a bit delayed, but I received a letter in September asking me to fill out a survey about Parenting Coordination. I went to do so today, but the link said that the survey is closed.

I believe I have valuable information that needs to be shared about the PC process. I am currently just out of Court, again, and the PC process was an integral part of what my husband cited in his contempt motions. And now in his objections to the Magistrate himself, in effect, saying in his decision that the PC process was only detrimental and used as a "weapon."

I would like to be heard. The worst part of the process is that my children are suffering because of it. The Court always says it acts "in the best interest of the child." I beg to differ.

The PC process, I understand, has been amended since I was forced into the process with my abusive husband in 2012. It was a vehicle of further abuse. Furthermore, our parenting coordinator resigned only two months or so before her term was to expire. My attorney wrote the PC a letter, telling her that she was acting out of her scope of authority.

Please contact me and/or allow me to complete the survey. Those of us who have experienced this process need and deserve to be heard from.

Summary of Comments of Parent 1 as Reported by Research Assistant:

- Litigant stated PC program did not work at all. I asked why. She stated the process was unclear. More specifically, PC was unclear about her role and both parties/ counsel were unclear about PC's role as well.

PC was terrible because she never answered correspondence (through Family Wizard?) from litigant. Parties ended up back in court anyway and the PC has become an issue – there are objections filed as to what PC did.

“Made it worse – more harm than good”.

Summary of Comments of Parent 2 as Reported by Research Assistant:

- The litigant stated the PC program was agreed upon but finds it costly especially since he was the one paying for it. “It costs \$3000 just to get one question answered”. I asked if it worked for them, said yes but doesn't see the value in it. Thought it would be better if the PC charged rates similar to GAL or perhaps have a paralegal instead. Litigant felt time

was wasted because PC was spending time trying to see how case was progressing; PC was not constantly updated with case(?).

## Appendix 16. Attorneys Opinion Survey on Parenting Coordination – Comments

### Question 2: What information do you give your clients about the parenting coordination process in cases where a parenting coordinator has been appointed?

- depends on the order. It is a resolution mechanism that is costly but efficient and faster than the court.
- Advise of PC role and why it would be appropriate/beneficial in their case.
- They act as mediators. In the one case I had with [name omitted], she was a tie breaker on issues we assigned to her
- My understanding of the limits of the powers granted me; means to access me; efforts to resolve by conciliation that I will undertake.
- none
- Provide an AJE with all details of selection and process
- I explain the role and purpose of the parent coordinator.
- I provide the Local Rule and general guidelines about what a PC may/may not do and appropriate use of this service
- we discussed and put into the SPP the authority of the PC and the limitations on the PC's authority
- Generally, the order by which the Parenting Court, Nader is appointed is very specific and details out the responsibilities. I go over the order with my client
- I let the parenting coordinator explain after giving very basic information.
- The parenting coordinator's role will assist with decision making, in certain defined areas, where the parties cannot reach a resolution and the issue is time sensitive. Should you not agree with the PC's Decision, you will have option to pursue in court. However, the decision will stand pending further court order.
- I describe a PC as a "mediator on steroids" who is empowered by both parents and the court to make binding decisions on a certain class of issues (i.e. those which are problematic but tend to be small enough in isolation to not warrant individual court attention but problematic in the aggregate--or--those that require an immediate resolution because of the time-sensitive nature of the issue). I also tell them that the PC process generally tends to soften parental squabbling over picayune issues over the long term because they aren't allowed to fester.
- I advise of the purpose of parenting coordination and the expectation that his/her cooperation is essential. I also advise of the qualifications of the coordinator.
- I advise them that the parenting coordinator is a person hired to resolve day-to-day parenting disputes based upon the terms of the parenting plan
- Advise clients that the coordinator will help resolve issues, first by a mediation approach and then if necessary making binding decisions.

- I simply explain the process and request that they cooperate fully, and if they have any concerns, they should let me know.
- I tell them that it is a method of ADR which will presumably help them deal with any parenting issues that may arise without litigation.
- I explain the parenting coordination agreement in detail which usually covers the process and implementation.
- That the PC will be in position to handle large and small disputes that come up post decree in specific enumerated areas. That the PC will first try to help the parties reach a negotiated solution, and in rare cases, when necessary, make a decision for the parties in one of those areas. The parties are informed that the PC is not able to substantially alter the schedule, or the allocation of parental rights and responsibilities.
- The cases were with parenting coordinator agreed upon, rather than appointed. Provide client with copy of the rule, and PC agreement, as well as full explanation of the process and the limited decision-making authority given to the PC.
- VERBAL EXPLANATION
- It may be more cost effective to hire a coordinator rather than an advocate in order to get things done more quickly. I explained that the coordinator is unbiased and will resolve issues much faster and will be less expensive than attorneys. Time and money.
- I tell them the coordinator serves as a non-partisan facilitator/ decision maker (if appropriate) to assist in the conflicts as the children grow up post-divorce.
- Local rule, court order and any data or literature the PC offers.

**Question 7: Are your clients satisfied with the parenting coordination process?**

- people can abuse the system. Who pays in an issue and if you do not have means then the one w means drags you in and if you are not obligated to pay the one not paying drags you in all of the time.
- In the single case with the non-lawyer PC it was a disaster. In the other cases, it is very early in the process and so too soon to get a clear read.
- Perhaps they were not good candidates as both cases were high conflict
- Too early in process to answer the above 3 questions
- Too early to tell.
- most are satisfied; the more pathological parents are less satisfied (largely because I think they will be unsatisfied with almost everything and have ingrained unrealistic expectations)
- The quality of the coordinators is highly inconsistent and where he/she does not perform promptly or with sufficient competence the process is undermined.
- they haven't used the PC yet -- too soon to know
- No complaints so far.
- Either the PC has been unresponsive completely or not active enough to resolve the problem.
- High conflict cases are just that - some people just want to continue the battle in another forum.

- Find that it typically reduces and often eliminates the conflict over minor issues.
- Generally has lessened the tension along with the passage of time
- Faster turn around and the issues are directly answered....No back and forth
- PC offers swifter, lesser expensive resolution to conflict, so clients appreciate that, but conflict has not waned.

**Question 8: Do you think that your clients were more satisfied with the parenting coordination process as compared to the court process?**

- She doesn't always get her way
- There is a much more immediate and less expensive result.
- Too early to tell.
- they appreciate the speed of issues being addressed
- "Yes" for the most part, because it kept them out of court. Again however, delay and lack
- too soon to know
- It is only a different method - not necessarily better.
- Less expensive, less delay - - generally they love it.
- less expensive and faster
- Faster turn around time especially for visitation issues.
- PC offers swifter, lesser expensive resolution to conflict, so clients appreciate that.

**Question 9: Did the appointment of a parenting coordinator result in a reduction in litigation?**

- it was part of an overall resolution of the cases and so it was helpful to have it there.
- It settled the case after 4 days of trial
- Much too soon to tell
- I say this because in one case, it seemed to spurn litigation. In the other case it eliminated what I thought would've been a lot more litigation.
- for most parents; the pathological parents--not necessarily as much; more of a "speed bump" to either burning out the PC or creating spaces between litigation
- too soon to know
- It eliminates some of the more petty arguments.
- Issues resolved by PC's recommendation are not litigated.

**Question 10: Do you believe parenting coordination can be beneficial if it is ordered over the objection of one or both parents?**

- if it is binding
- Some cases require some post-litigation oversight to prevent them from blowing up and being even more contentious and relitigated, even if one party does not want the process.
- It will be difficult but it can at least allow some outlet for the cooperating parent's frustration and can also allow some minor change and improvement even without the participation of one parent.

- The issues that can be addressed with a PC can be addressed in real time and at a significantly reduced cost than litigation.
- Completely dependent upon quality, skills of PC
- I think it should be a consensual process otherwise it just appears to be a delegation of judicial authority.
- I believe the value in a PC is independent of parents' willingness (of course it increases the effectiveness when willingness exists, but I don't believe it is essential). I think the existing court/litigation framework is ill-suited to addressing the "death by a 1000 cuts" issues.
- ONLY, with the right PC. The court would have to be cognizant of the PCs on the list and have the ability select the most appropriate PC on a case by case basis.
- If the parenting coordinator is given the authority to make decisions that become effective immediately, subject to either party's right to object, but not stay the decision. I see the parenting coordinator's primary responsibility to make timely decisions, not to teach the parties how to parent or how to work together.
- Ultimately, the parents will learn that the PC will resolve disputes
- You need people who are at least willing to work with each other even if they're not really happy with the idea.
- If one person wants to continue the battle, the battle will continue.
- No harm in trying
- The back and forth and the unreasonable requests of the parents are addressed immediately. The parenting coordinator solves silly disputes rather than spending thousands of dollars for no reason.
- Having a coordinator is rare and useful primarily when the parents can't work together. The alternative is having frustrated parents or a great deal of post-decree litigation.
- Regardless of whether a parent wants the process, it still is effective if parent is made to understand they shall abide by recommendations of PC.

**Question 11: What are indicators that suggest a family will benefit from the parenting coordination process?**

- all have application in different matters. but is an added cost and that is forever going to be a problem on all levels.
- All of these are good indicators. However, it seems most cases will not have all of these factors and may have only one or two. Still OK for PC.
- Inability for the parties to communicate on even the most trivial issues.
- Obstinate parents will learn that court orders will actually be enforced
- Parents generally have high conflict and angry.
- Parents really don't want to hurt their children or use them as pawns in parental disputes.
- Some parents just want someone to listen to their version of events and their story of their woes. Parenting coordinator is cheaper than an attorney.

- I agree with all of these, the best reason is to avoid the hopeless feeling parents have when their questions aren't answered or when the decree is continuously violated or "misunderstood"

**Question 12: What are indicators that suggest a family will not benefit from the parenting coordination process?**

- I think that even when these factors exist, PC may be appropriate. Analyiss should occur on a case-by-case basis.
- One or other having history of subverting processes, e.g., GAL investigations.
- historic refusal of a parent to abide by court orders
- I don't tend to think that any of the foregoing are necessarily preclusive to a PC
- Bullying. PC will have to be able to handle situation to ensure equal time to both parties.
- As long as the coordinator has decision making responsibility and effectively exercises his/ her authority, there would be a benefit to parenting coordination whether either or both parents is dysfunctional.
- desire of one party to be as disruptive to the other as possible; desire of one or both to continue the fight
- History of issues and dificulty of resovling children issuses.
- Animosity of the parents....scorched earth theory. They want to make the other parent suffer.
- some parents could not care less about Court orders, showe causes, etc, They will ignore a coordinator as they do everything else.
- Parent unable to see value to other parent's role in life of child.

**Question 13: Which of the following are important to the success of parenting coordination?**

- all of these
- Becasue of my disatorus experience, I will never again have a PC who is not a DR lawyer.
- PC understanding the limits of his/her authority
- Communication and mediation skills of cooridnatoor.
- PC must be capable of taking control of high-conflict parents, compelling respect toward PC from parents.

**Question 14: What aspects of the parenting coordination process do you find valuable?**

- Takes the lessr everyday issues that are not ripe for court out of the system
- The mandated "mediation" like process that requires the parties to attend prior to going to court.
- Both the dispute resolution piece and the educating the parties to better resolve their own differences in the future.
- Conflict resolution.

- Cases for which a parenting coordinator should be appointed are also cases with issues that have no business in Domestic Relations Court. In my experience, most of them have a parent with mental health issues as well. So if nothing else, it is a way to unclog the court system a bit.
- Ability to resolve issues that are too costly to litigate but need resolution
- Resolution of defined, limited disputes over parenting terms, schedules, etc.
- avoidance of court proceedings
- the concept of having an alternative means than to litigate in court to resolve the dispute is always beneficial
- speed of issues being addressed and finality (albeit conditional) of decisions.
- Efficient and effective resolution of issues so that children are not harmed in the process (ie timeliness issues cause them to miss an opportunity)
- immediacy
- Getting the parties to work in the best interest of the children.
- The concept is amazing. In practice it has been my experience that it hasn't worked.
- Narrow down issues and resolve petty disputes.
- resolution of matters that do not fester, and which do not end up back in court.
- Speed
- Neutrality....Each party initially believes that the coordinator is neutral and they have to follow the decision. Tit for tat and the wasteful phone calls and contacts with attorneys. Once a case is finalized, the attorney does not want to be the go between for the parents. Very costly and non productive.
- It gives a safety valve to avoid post decree litigation and affords a third party voice to both sides.
- Cost- and time-effective dispute resolution.

**Question 15: What aspects of the parenting coordination process do you dislike?**

- cost and how that can allow a client to manipulate the process
- I have not had enough experience with the process to comment.
- When the role of the parenting coordinator is not clearly defined in the initial document. Then the process appears to be a free-for-all.
- Need to determine if parents are good candidates
- Not certain yet. Qualifications, practical PC skills always a concern.
- tendency of PC to go beyond the scope of the SPP and try to get a party to agree to what amounts to a modification -- without benefit of legal counsel
- I'm not fully confident regarding the skills of those for parenting coordinators. The requirements seem to be so onerous that other persons who should be parenting court matters won't even attempt to do that
- inconsistent (grossly) between PCs

- Omnipotent PCs. Need a PC who is well trained and it will help to have a mediator background to be able to not simply make a decision but be able to explain process so that parties do not feel a clear cut "winner" and "loser."
- variance between people in interpretation of the parenting plan
- see above.
- Allowing the bully parent a different forum to continue the bullying process. The parent with more time and money may prevail.
- the court does a poor job so far in setting up the process with the PC to succeed, but they are getting better.
- none
- The cost is very high when attorneys are the coordinators. It may be better to have trained individuals rather than charge for attorney fees.
- I worry that the parties might rely too much on the PC. If the need to come back to court for legit reasons, they should know to do so.
- I have had a single case go through 3 PCs before a "match" was found who made effective recommendations. This is not a dislike of the process, but a critical aspect to success is having very qualified PCs willing to take the role.

**Question 16: Would you recommend appointing a parenting coordinator in future cases?**

- Under strict, defined conditions where litigation avoidance may be realized.
- the court cannot address the simple day-to-day disputes and, therefore, often they would go unaddressed because litigation is too costly. A PC is more effective and cost efficient
- I would try it again.
- Some cases are appropriate but there are very few coordinators who are successful.
- I have been very pleased with the parenting coordinators role and decisions. The cost is high.

**Question 17: If you have any suggestions or comments about the survey, please add them here.**

- There needs to be more involvement from the court with the process. Parenting coordinators have not been well advertised and do not work well yet in the court.
- I think that Parenting Coordinators will help resolve a lot of the issues that are somewhat trivial for court but are huge deals for the parents. It is a much faster and much more efficient use of time and resources to decide issues between the parties. Sometimes a middle-person is needed just to tell the parties how things should be done. I think it is a great tool.
- I think this idea should be expanded. As finances are a big reason we don't do this, I would be interested in some ideas to make this cost effective. Thanks for the chance to comment.

## **Appendix 17. Parenting Coordinators Opinion Survey on Parenting Coordination Comments**

**Question 11: If you have not formally applied to be placed on the court's list of approved parenting coordinators, what are the reasons?**

- I began work in the area before the Supreme Court articulated a program; I have to go for the special training to be listed.
- Applied and accepted last winter, no cases assigned.
- Still need my 40 hrs of mediation training which I am taking next week
- The continued involvement of the GAL, even when there was no pending case, rendered my work impossible. The parties would constantly split to seek the opinion they liked better. It was ridiculous- like having two PCs who did not always agree.
- I am no longer in private practice. When I was I primarily worked as a Guardian ad litem. It never occurred to me to go the next step to ask to be on the list of parenting coordinators (assuming that list is separate from the list of approved GALs).
- Need to complete the recent requirement for Supreme Court approved training program
- Haven't completed the form. Not sure could comply with all the requirement.
- Not aware of such a list!
- I think I am on the list already

**Question 12: What documents do you need to begin the parenting coordination process?**

- Would depend on the case and its specific issues; if there is a person with mental health problems, for example, I might want to see reports of treatment.
- The more information a PC or GAL knows the better he or she can be. Understanding the child's needs, the family dynamic and the history of the parties is key to assisting the parents in compromising and coordinating efforts in ways that are consistent with the best interest of the child.
- police reports, previous protection orders, parenting plan if there is one
- Review and signing of a parenting coordination contract, with approval from attys.

**Question 15: What, if anything, should the court do to inform and prepare parents and attorneys about the parenting coordination process?**

- Above would be very helpful and would increase the standardization of the process.
- I have put together a comprehensive assessment process based on my training, experience, and the Ohio supreme court toolkit disseminated last year.
- Explaining the role and expectations is key and will help start everyone off on the right foot in dealing with the PC.
- I believe that if the Court introduced the PC to the parties it could be helpful in providing support and credibility to the individual chosen as well as the process itself.

**Question 16: What methods of communication do you use as a parenting coordinator?**

- This is what I word project, as I have not yet providential service.
- N/A as I am not longer in private practice. However in the past I have used in-person contact, email as well as Family Wizard to assist in the execution of my duties as a GAL.
- I checked only the methods which I have used thus far. Other methods might be appropriate to future cases.

**Question 17: Typically, how often do parents contact you for help with disputes?**

- Very case specific; some once or twicer every 6 months; some relatively frequent > once per month; with some there is a plan from the outset for some routine meetings and then a "graduation to on call status.
- Varies. Every day during an ongoing dispute, but could taper off to 1x per month during "quiet" times.
- Totally depends on the case and the age of the case. They start out almost daily and hopefully decline
- N/A. I believe this would be case specific. However interestingly enough it was brought to my attention that I was appointed as a parent coordinator years ago and I did not realize that the attorneys or the court had. I had served as GAL and I am guessing it wound up in the final Journal Entry however somehow I was not aware. However the family has never reached out for assistance, I gather in part because at the time of divorce the mother had moved the children out of state and thus there was not likely much to coordinate once the SPA was signed (this case was resolved by the parties vs. a trial to the court).
- Significant variation -- if in crisis, could be ongoing and almost daily; if not, months at a time or more go by with no communication.

**Question 18: What kinds of disputes have you had to address as a parenting coordinator?**

- The above are based on my experience as a therapist and mediator.
- N/A

**Question 19: How often have the children attended and participated in the parenting coordination process?**

- N/A
- N/A
- home visit where the child is present

**Question 20: How often have the parents' attorneys attended and participated in the parenting coordination process?**

- To increase the likelihood that there is agreement in the extended system and to see that what the PC is doing is consistent with what counsel as well as parties agreed to.
- N/A
- N/A

- The lawyers still seem to be very involved with their clients. The parties tend to go to the attorneys to secure support for their positions. The attorneys are not always sound in their backing of the parent coordinator authority and process.

**Question 21: How often have other people attended and participated in the parenting coordination process? (For example, extended family or friends, etc.)**

- N/A
- N/A
- significant others or new spouses have been asked to be part of process for specific purposes/issues
- home visit where other parties are present
- Experts have participated in the process. But none have yet actually attended a PC meeting with parents.

**Question 25: Can a parenting coordinator effectively provide services if he or she is not close geographically to the parents?**

- Ready, in person access is important; distance is really defined by parents willingness to travel
- Based on other means of communication .
- Under some circumstances, but I would want to meet with the parents intially, face to face.
- Face-to-face meetings do not need to be frequent and distance can be accommodated.
- They would have less of an impact as, in my opinion, in-person contact is a lot more effective in reaching compromises than contact by other means. But even a PC ho is not close would be better than no PC at all where the parents cannot communicate or coordindate with one another.
- Depends on the needs for immediacy of personal contact and types of issues. Current potentials for communication allow for geographic distances and the use of conference calling, for exmample, along with email and the like.
- via skype, not ideal
- It is not as effective given the loss of non-verbal communication.
- I think it would be possible to provide services. But I believe to be very effective it is helpful to be close geographically as meetings with the parties are generally a very important part of the process.

**Question 29: For what reasons have your parenting coordination relationships with families ended?**

- Court motion for custody
- Again on the one I was identified as being connected to, I never received a call for assistance.
- still working with the families

**Question 30: What is the optimal duration for a parenting coordinator appointment?**

- until children are 18 as needed
- Unknown.
- This might depend on how things are progressing.
- As needed
- It depends on the age of the child(ren). It would be best to be able to terminate the PC because the parties have learned to mediate their own disputes but otherwise the PC should remain in tact.

**Question 31: What do you consider to be best practices in providing parenting coordination services?**

- Even handedness, avoidance of appearance or actuality of bias or preferential treatment. Emphasis on rational processing and assisting parents to achieve that kind of approach in what is for them a very emotional arena. Focus on the needs and importance of children being able to benefit from their contacts and relationships with both their parents.
- Educating parents on communication and problem solving methods
- Based on training and rules of superintendence.
- Training in collaborative law and mediation
- The same as GALs or any professional dealing with our families: they should be informed, understanding, responsive, and able to assist those to find solutions where they have been unable or unwilling to do so
- Capacity to engage at the level of negotiating settlements of issues between parents. Genuine appreciation of the strengths and potentials of each parent regardless of the immediate issue positions. Capacity to set boundaries and demonstrate logical processing in conflict situations.
- open communication with the parents remaining unbiased always putting the children first
- First an effort to teach the parties to communicate and resolve disputes together.
- knowledge regarding mediation, child development and adult psychopathology, in addition to divorce literature on high conflict divorce. Coordination with both attorneys, judge and GAL to support the process.
- I personally believe that an important part of the PC process is to personally meet with both parties, separately and together. A PC should endeavor to build confidence in the parties as to the PC's knowledge, ability and independence. In addition a PC should first and foremost be a very capable mediator as this skill is invaluable to the process. The PC should let the parties know that their children are best served if the parents can reach consensus. But if they are unable to do so the parents should be very aware that the PC will not hesitate to make a decision when necessary.

- collecting collateral data, meeting with parents as required, including reviewing emails, being able to establish rapport with both parents, providing clear directives/advice in writing
- balanced communication with parties

**Question 38: Do you believe parenting coordination can be beneficial if it is ordered over the objection of one or both parents?**

- Mostly, I suspect it would not work but it cannot be said that it absolutely won't work. Generally, for a PC to be effective, the parents have to see the PC as an independent and professional resource focused on the needs of the child or children.
- Opportunity to engage them in the process.
- These cases tend to involve high conflict personalities. If they can not agree about the appointment of a coordinator, it is unlikely that any ruling of the coordinator will be honored.
- It will force the parties to at least try to work together and address issues in a civil manner with a third party (voice of reason) to assist in the process.
- I consider it unlikely but not impossible to work in a situation where one parent is rejecting of the process to start -- but the risk of failure is significantly higher.
- Once in the process they will see the benefit.
- It takes two parents to effectively parent or act in the best interests of the child(ren). If one or both cannot act with their child(ren)'s best interest in mind, they need to be moderated to avoid more trival disputes from coming to court. I think the PC can help alleviate the court docket for these smaller issues.
- Unless the PC is authorized to resolve impasses, the process is easily sabotaged by a parent refusing to participate or honor agreements.
- it can be beneficial. But as I previously stated, PC works best if the parents are able to reach an agreement. It can be more difficult to obtain the agreement of someone who does not want to participate in the process. So the PC would be likely to have to make more decisions.
- once they become engaged in the process there is at least the possibility of more appropriate communication

**Question 39: Which of the following is an indicator that a family is likely to benefit from the parenting coordination process?**

- Parents are able to increase in personal comfort about their own effectiveness and have capacity to work with a changing situation.
- Parents have strong investment in the primacy of the needs of the children and some capacity to understand that the best interests of any child involve the ability to calm the love and attention of each parent as part of their lives.
- Parents just cannot communicate.
- The presence of attorneys who firmly support the PC process.

**Question 40: Which of the following is an indicator that family is not likely to benefit from the parenting coordination process?**

- The first two would rarely allow for success; the second two can be remedied if the PC has good therapeutic training.
- Parents tired of court (and persons affiliated with the court). Parents who don't believe anyone else should suggest how to parent their child. Parents who are unable to look past their disdain for the other parent long enough to see how their interactions with the other parent negatively affect their child.
- Personality disorder, if severe, can disrupt the process and undermine agreements.
- I think that the extent of the substance abuse, domestic violence and personality disorder could effect this answer.

**Question 41: Which of the following are important to the success of parenting coordination?**

- As a non-lawyer PC, I would be reluctant to endorse that a PC is able to interpret legal documents but I think being able to discuss likely implications of a document along with a careful instruction for clients to obtain further input from their own legal resources works well.
- PC able to listen and be patient.
- I have been faced with an order in which I was to decide which parent prevailed in an issue and then to charge the other parent for the session.; that type of control mechanism is a major barrier to being able to work with a couple and/or family on a productive basis.
- PC good at mediation.

**Question 42: What services/training/resources could the court offer that would assist you in providing parenting coordination services?**

- Speaking as a non lawyer PC, either training or some regular communication as to new developments on the legal front with respect to relevant case law would be very helpful.
- Parent Coordinator Meetings, not necessarily montly. Maybe bi-monthly or 4x per year.
- Initial PC training a couple of times a year would make it much easier for those of us already working in the area to upgrade and maintain our status. Current situation is counterproductive though I have been told that there will be some local or additional to Sup. Ct Columbus trainings established.

**Question 43: How can the court's parenting coordination program be improved?**

- Attorneys encourage involvement of pc in cases where parties have not improved communication and cooperative informed decision during the pendency of the case.
- Periodic communication with those of us accepted but not yet assigned.
- Raise awareness.
- See above. Availability of a resource at the Court when legal questions arise for those of us who are mental health professionals instead of being lawyers -- not because PC work

involves legal advice, but because our own questions being answered can assist us to not make errors with our clients.

- require the parents to deposit the retainer like a GAL case
- Educating the parents.

**Question 47: How do you allocated the cost of parenting coordination between parents?**

- My preference is to distribute costs evenly. I have had to work with orders that specified differences usually based on access to income, which has some reasonableness to it. I have had one case in which depending on which "side" I endorsed in a dispute, the other side would need to pay the bill. I consider that to be a very destructive and dynamically inappropriate order that leads into all kinds of unnecessary games.
- Equitably; generally turns out to be close to 50/50
- equally on joint issues. Each parent pays for his or her on time on issues presented
- N/A
- Pursuant to the Court Order. It should be outlined in the appointment of the Parent Coordinator.
- Equal unless court orders otherwise

**Question 48: If the cost is allocated unequally between parents, what would influence your decision to do so?**

- Significant difference in access to fund? imbalance in salaries, etc.
- Time used by one parent greatly exceeds time with both and other.
- Control abuse of process
- disparity of income or abuse of the process
- Persistent overuse of the PC by one parent without a basis. Ability to pay.
- See above. Additionally if one person was constantly calling in an amount unnecessarily higher than the other parent I might suggest the cost be assessed to that parent.
- If there is a clear disparity of financial status and capacity, then the original court order should reflect the percentage responsibilities. I do not wish to be the decision maker in such a situation as it will contaminate any of the work I am doing with the couple.
- If one party continues to cause problems that requires my involvement
- If one client dominates the use of the PC for individual purposes.
- income and current expenses
- not in my case

**Question 49: Have you had disputes over fees billed for providing parenting coordination services?**

- See above -- the argument was on whether my decision represented a victory for one side and therefore meant the other was responsible for the payment.
- A parent could simply not pay their portion of the bill, and the end result might be that the PC withdraws for non-payment, thereby terminating the PC.

- If one parent abuses time, the other does not want to pay 1/2 fees
- Had to do with the case where the legitimacy of the argument was to be judged by me as a basis for payment.
- One parent refusing to pay their retainer
- One party believes the other caused the need for the PC intervention so that party should pay.
- people disputing charges even though they sign a fee agreement at beginning explaining them

**Question 50: What practices could the court adopt to enhance timely payment of parenting coordination fees?**

- I would probably be a good idea to use a retainer system and work against the retainer, something I do routinely in other areas of my forensic practice and probably would do in the future with PC work.
- Order retainer/deposit to IOLTA
- Better than cash bond would be requirement for a retainer with understanding that upon depletion, the parents would post the next retainer until the process was declared complete.

**Question 51: Does your professional insurance coverage cover parenting coordination services?**

- No
- No
- N/A
- no
- No
- not so far

**Question 53: If yes, what was the nature of the claim, lawsuit, complaint, disciplinary complaint, grievance, or insurance claim made against you, and how was it resolved?**

- N/A

**Question 55: In what way can the court support parenting coordinators in avoiding a claim, law suit, complaint, disciplinary complaint, grievance, or insurance claim related to providing parenting coordination services?**

- In GAL work (which I have done as well) and in doing evaluations under a court order, I have quasi judicial immunity; it would be reasonable to have that kind of protection for PC work.
- Not sure
- Court appointment and immunity similar to GAL appointment
- Perhaps provide a standard retainer agreement for PCs to use that is similar to a mediator retainer agreement.

- Setting initial expectations goes a long way. Perhaps updated PC training like GAL training CLEs
- Perhaps some kind of limited quasi judicial immunity specified in a court order could be considered.
- Have a internal Court process to address complaints
- Strong appointment letter and powers.
- To court order parenting coordination services, grant limited immunity from prosecution and require non-legal recourse to resolve complaints.
- by offering the same type of immunity that is offered to GAL's

Question 56: **If you have suggestions or comments about the survey, please add them here.**

- Please create a communication process for those of us not yet Assigned. process for those of us not yet assigned. Unanswered questions are due to lack of this experience.
- I apologize as many of my answers do not apply and/or were deduced from my work as a GAL as I didn't really do PC work. I happened to be identified in 1 prior to leaving private practice.

## Appendix 18. Supreme Court of Ohio Court Appointment Rule of Superintendence

### RULE 8. Court Appointments.

(A) As used in this rule:

- (1) “Appointment” means the selection by a court of any person or entity designated pursuant to constitutional or statutory authority, rule of court, or the inherent authority of the court to represent, act on behalf or in the interests of another, or perform any services in a court proceeding.
- (2) “Appointee” means any person, other than a court employee, receiving a court appointment who is selected by the court. “Appointee” does not include a person or entity who is selected by someone other than the court.

(B) Each court or division of a court shall adopt a local rule of court governing appointments made by the court or division. The local rule shall include all of the following:

- (1) A procedure for selecting appointees from a list maintained by the court or division of persons qualified to serve in the capacity designated by the court or division. The procedure shall ensure an equitable distribution of appointments among all persons on the appointment list. The court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload. The court or division may maintain separate lists for different types of appointments.
- (2) A procedure by which all appointments made by the court or division are reviewed periodically to ensure the equitable distribution of appointments among persons on each list maintained by the court or division.
- (3) The manner of compensation and rate at which persons appointed will be compensated for services provided as a result of the appointment, including, if applicable, a fee schedule.

(C) The local rule required by division (B) of this rule may include qualifications established by the court or division for inclusion on the appointment list, the process by which persons are added to or removed from the appointment list, and other provisions considered appropriate by the court or division.

(D) If a party or other person is required to pay all or a portion of the fees payable to an appointee, the appointee promptly shall notify that party or person of the appointment and the applicable fee schedule. The court or division shall require the appointee to file with the court or division and serve upon any the party or other person required to pay all or a portion of the fees itemized fee and expense statements on a regular basis as determined by the court or division. If the party or other person required to pay all or a portion of the fees claims that the fees are excessive or unreasonable, the burden of proving the reasonableness of the fees is on the appointee.

**Appendix 19. Cuyahoga County Domestic Relations Court  
Parenting Coordinator Appointment Order**

**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
CUYAHOGA COUNTY, OHIO**

_____ ,	:	Case Number _____
Plaintiff/Petitioner-01,	:	
	:	
v.	:	JUDGE _____
	:	
_____ ,	:	<b><u>ORDER APPOINTING PARENTING</u></b>
Defendant/Petitioner-02/Respondent.	:	<b><u>COORDINATOR</u></b>

The Court hereby orders parenting coordination  on the Court's own motion  upon request of one party(mother/father).  upon request of both parties, to assist the parties in the implementation of their:  parental rights and responsibilities order  companionship time order, regarding the parenting of the following minor child(ren):

Child Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

**I. PARENTING COORDINATOR APPOINTMENT.**

The Court hereby appoints \_\_\_\_\_ to serve as the parenting coordinator for the minor child(ren) and the parties, pursuant to Local Rule 38. The parenting coordinator can be reached at:

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
E-mail

**II. TERM OF APPOINTMENT.**

The above named parenting coordinator is appointed for a term of \_\_\_\_\_ months ending on \_\_\_\_\_.

Date

### III. POWERS AND DUTIES OF THE PARENTING COORDINATOR.

The parenting coordinator's scope of authority is as follows:

A. Monitor the Court's Order and to assist the parties in resolving disputes related to the Order, provided that the disputes do not involve:

1. whether to grant, modify or terminate a protection order;
2. the terms and conditions of a protection order;
3. the penalty for violation of a protection order;
4. changes in the designation of the primary residential parent or legal custodian;  
or
5. changes to the primary placement of a child;

B. Consult with outside sources, such as teachers, therapists, physicians, attorney for either party, family members, etc., and review school records and speak to, or review the records of individuals with whom the parties and/or child(ren) have met.

Upon request of the parenting coordinator, parties shall sign any and all necessary authorizations to release records and information to the parenting coordinator from the following person(s) and sources:

1. Child(ren)'s current/previous pediatricians, psychologists or mental health professionals;
2. Child(ren)'s current/previous teachers, school staff and administrators;
3. Hospital and medical records for the child(ren);
4. Law enforcement agencies, personnel and records;
5. Custody evaluators;
6. Any other source(s) with information relevant to the child(ren).

C. Issue a written decision(s), when attempts to assist the parties to reach an agreement have failed, on any of the following:

1. Occasional schedule adjustments which do not substantially alter the basic time share agreement;
2. Participation in parenting time or companionship time by significant others, relatives, etc.;
3. School placement;
4. Dates, time and method of pick-up and delivery;
5. Minor or occasional adjustment in vacations or holiday schedules;
6. Transportation to and from parenting time;
7. Participation in childcare/daycare and babysitting;
8. School attendance and homework;
9. Bedtime schedule;

10. Diet;
11. Purchase and sharing of child(ren)'s clothing, equipment and personal possessions, including possession and transporting of the same between households;
12. Child(ren)'s appearance and/or alteration of appearance, including haircuts, tattoos, ear, face or body piercing;
13. Sports, lessons and recreation;
14. Enrichment activities and summer camp;
15. Discipline;
16. Participation in routine at-home health care and hygiene;
17. Communication between the parties and between the parties and the child(ren);
18. Health care management issues, including choice of medical providers;
19. Child(ren)'s travel and passport issues;
20. Signing of appropriate releases from each party to provide access to confidential and privileged records, including medical, psychological or psychiatric records of a party or the child(ren);
21. Child(ren)'s participation in religious observances and religious education; and
22. Any other parenting issues that were not previously addressed by the parties.

- D. Report to child protective services, law enforcement, or other appropriate authority pursuant to the procedures set forth in R.C. 2151.421, any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party;
- E. Interview the minor child(ren) privately in order to ascertain the child(ren)'s needs as to the issues being discussed. In conducting such an interview, the Parenting Coordinator shall avoid forcing a child to choose between the parties or otherwise putting a child in the middle of the parties' conflicts;
- F. Interview members of the immediate family or extended family of parties and other relevant third parties reasonably deemed necessary by the parenting coordinator. The parties shall provide the Parenting coordinator with all necessary information to contact and communicate with the above-mentioned persons, including phone numbers, mailing and residence addresses and email addresses;

#### **IV. CONFIDENTIALITY.**

- A. Communications between the parties and the parenting coordinator are not confidential. Therefore, written and oral communications, negotiations and statements made by the parties in the course of working together can and may be disclosed to others. Information provided by the parties, either in discussions with the parenting coordinator and/or in writing by the parties, will be considered by the parenting coordinator when making decisions and may be disclosed in his/her written decisions.

B. The parties are on notice that the parenting coordinator may disclose the following information:

1. He/she has reason to believe that a child is in need of protection;
2. Either party or another person is in danger of bodily harm; or
3. He/she learns of the intent to commit a felony

**V. FEES AND EXPENSES.**

The parties shall be equally responsible for the parenting coordinator's fees and any expenses associated with the parenting coordination. The parenting coordinator will bill at the rate of \$250.00 per hour and shall be paid by the parties within thirty (30) days of the date of the invoice.

**OR**

The Court has found that a disparity in income exists between the parties. Therefore, the apportionment of the parenting coordinator's fees and expenses shall reflect each party's pro rata share of their combined incomes, which is determined to be \_\_\_\_\_% to Mother and \_\_\_\_\_% to Father. The parenting coordinator will bill at the rate of \$\_\_\_\_\_ per hour and shall be paid by the parties within thirty (30) days of the date of the invoice.

The parenting coordinator has the right to suspend all services until payment of any unpaid balance.

**VI. PARENTING COORDINATION TERMS AND CONDITIONS.**

**A. CONTACT WITH THE PARENTING COORDINATOR.**

1. The parenting coordinator will inform the parties of the method of communication that you need to use throughout the parenting coordination process. The parenting coordinator should not be contacted outside of the work hours they communicate to you unless the parenting coordinator specifically authorizes parties in writing to call after hours, and then only for the specific purposes allowed by the parenting coordinator. Any party who abuses the parenting coordinator's personal time may be sanctioned by the Court. If parties are in disagreement after normal business hours, the complaining party should refrain from contacting the parenting coordinator until the next business day following the incident.
2. Each party shall contact the parenting coordinator within ten (10) days of the date of this Order to schedule the first appointment. The parenting coordinator shall determine the schedule for subsequent appointments, which may be held over the

telephone, in-person or by any other means deemed appropriate by the parenting coordinator.

3. The parties are responsible for providing the parenting coordinator with all necessary information to stay in communication with them, including all phone numbers, mailing and residence addresses and e-mail addresses.
4. The parties shall provide the parenting coordinator with copies of all pleadings, orders and custody evaluation reports which relate to the issues to be brought to the parenting coordinator. The parenting coordinator shall also have direct access to all orders and pleadings on file in the case, including files under a Sealing Order of the court.

**B. EMERGENCY CIRCUMSTANCES:**

The parenting coordinator is not available to respond to emergencies. Direct urgent health matters to the appropriate physician or seek emergency room service. Direct urgent mental health concerns to the appropriate therapist. If a child is in imminent danger of harm, parties shall contact law enforcement, the Department of Children and Family Services or other appropriate agency, not the Parenting coordinator.

**C. RECORD KEEPING:**

The parenting coordinator will maintain handwritten notes of the parenting coordination process in addition to print outs of your electronic and regular mail communications. These records will be maintained in the parenting coordination file.

**D. PARENTING COORDINATOR DECISIONS:**

1. If the parties are unable to reach an agreement regarding a dispute, the parenting coordinator shall prepare a written Decision which shall be effective immediately and be followed by the parties until otherwise ordered by the Court.
2. The Decision shall set forth the reasons for the parenting coordinator's decision. Should either party object to the written Decision, that party shall follow the procedures for filing objections set forth in Local Rule 38.

**E. SANCTIONS:**

The Court may impose sanctions for any violation of this Order which may include but is not limited to attorneys' fees and other costs, contempt or other appropriate sanctions at the discretion of the Court.

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JUDGE

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MAGISTRATE

