

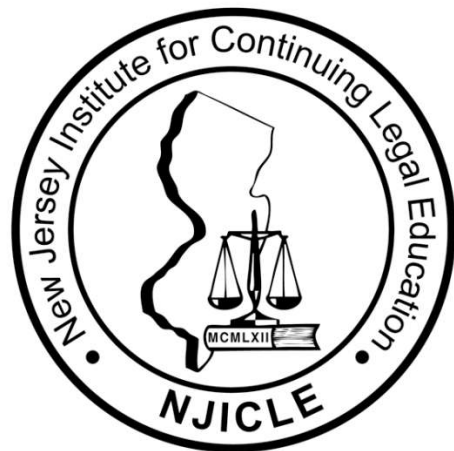
SPECIALIZED PARENTING COORDINATOR TRAINING

2026 Seminar Material

MI1506.26

New Jersey Institute for
Continuing Legal Education

A Division of the State Bar Association
NJICLE.com



This page intentionally left blank

SPECIALIZED PARENTING COORDINATOR TRAINING

Moderator

Amy Wechsler, Esq.

*Certified by the Supreme Court of New
Jersey as a Matrimonial Law Attorney
Lawrence Law
(Watchung, Red Bank)*

Marcy A. Pasternak, Ph.D.
(Watchung)

Cindy Ball Wilson, Esq.
*Wilson Family Law LLC
(Chatham)*

Speakers

Candice L. Drisgula, Esq.
*Drisgula & Thatcher
(Wayne)*

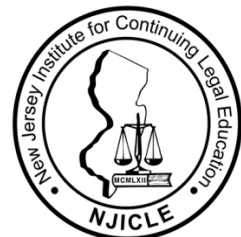
Derek M. Freed, Esq.
*Seiden Freed LLC
(Cranford, Pennington)*

Phyllis S. Klein, Esq.
*Phyllis Klein Mediation
(Chatham)*

Bruce P. Matez, Esq., APM
*Weir LLP
(Mt. Laurel)*

Shireen B. Meistrich, LCSW
*Collaborative Divorce Coach
(Fair Lawn)*

In cooperation with the New Jersey State Bar Association **Family Law**
Section **MI1506.26**



© 2026 New Jersey State Bar Association. All rights reserved. Any copying of material herein, in whole or in part, and by any means without written permission is prohibited. Requests for such permission should be sent to NJICLE, a Division of the New Jersey State Bar Association, New Jersey Law Center, One Constitution Square, New Brunswick, New Jersey 08901-1520.

Table of Contents

	<u>Page</u>
Rule 5:8D. Parenting Coordinators [new]	1
Directive #16-23	
Family – Parenting Coordinator Program – Guidelines; Forms	3
Parenting Coordination in New Jersey – What is It Now That We Have a Court Rule? Amy Wechsler, Esq.	41
The New Rule and AOC Guidelines – What You Need to Know	42
On-Going Concerns	45
Binding Recommendations	45
Concerns About Costs	45
Help Wanted, No Experience Necessary	47
An Important First Step	49
Endnotes	50
Parenting Coordinator Retainer Agreement	51
Parenting Coordinator Services Agreement	55
Parenting Coordination Initial Meetings With Parents Bruce Matez	61
Constructive Communication Guidelines Sharon Ryan Montgomery, Psy.D.	63
Letter to PC Clients Re Upcoming Holiday Scheduling Alex Coglianese, Esq.	64
AB (Mom) and CD (Dad) Parenting Coordination July 19, 2023 Summary and Recommendations	65
A/J Family Recommendations of Parenting Coordinator Bruce P. Matez, Esq.	69
Memorandum (Sample) – <i>Jones v. Jones</i> Marcy Pasternak, Ph.D.	81
Family Recommendations of Parenting Coordinator Bruce P. Matez, Esq.	83
N.J.S.A. 9:2-4	85
Bibliography	89

Ethics and Professionalism Bruce P. Matez, Esq., APM	91
Ethical Issues for PCs – Danger Zones And What Would You Do? PowerPoint Presentation Bruce P. Matez, Esq., APM	93
Cultural Competency in Parenting Coordination	101
<i>N.J.S.A. 2C:25-19 et seq.</i>	103
Domestic Violence and Parenting Coordination Candice Drisgula Bruce Matez	111
“Coparenting and the Parenting Coordination Process” Matthew J. Sullivan	113
High Conflict Divorce Dynamics PowerPoint Presentation Marcy A. Pasternak, Ph.D.	135
CoParenting Conflict Management	157
“Responding to Hostile Mail (B.I.F.F.)” Bill Eddy, LCSW, Esq.	161
“Making Proposals” Bill Eddy, LCSW, Esq.	165
“Working With Resistance in New Ways With Families™ Programs” Bill Eddy, LCSW, Esq.	169
Guidelines for Parenting Coordination Association of Family and Conciliation Courts	175
American Psychological Association Guidelines for Practicing Parenting Coordination	195
Fact Pattern	197
Vignettes for Discussion	199
OFW Conversation – Actual and Edited	201
About the Panelists...	203

Rule 5:8D. Parenting Coordinators [new]

(a) Applicability. The court may appoint a Parenting Coordinator in dissolution and non-dissolution matters, but only after entry of

- (1) a pendente lite order or a temporary or final custody order, and
- (2) a parenting plan (which plan may be set forth in the body of the order rather than as a separate document).

(b) Definition and Role of the Parenting Coordinator. A Parenting Coordinator is a neutral individual appointed by the court to assist in implementing the parties' parenting plan (as referenced in subparagraph (a)(2)) by facilitating the resolution of day-to-day parenting issues in a timely manner when the parties cannot resolve issues on their own. The Parenting Coordinator should provide guidance and direction to the parties with the children's best interests as the primary focus by reducing conflict and fostering sound decisions that will aid positive child development.

The goals of the Parenting Coordinator shall be to aid the parties in monitoring and effectuating the existing parenting plan (as referenced in subparagraph (a)(2)); to reduce misunderstandings and miscommunication between the parents; to help reduce litigation filed with the Family Part; to clarify priorities of the parents and their children; to explore possibilities for compromise; and to develop methods of communication that promote collaboration in parenting. The Parenting Coordinator should facilitate decision-making by the parties whenever practicable and make recommendations when the parties cannot agree. -23-,

(c) Appointment

(1) Appointment from the Statewide Roster of Approved Parenting Coordinators. The Administrative Director of the Courts shall maintain a statewide roster of approved Parenting Coordinators. On motion by a party or on the court's own

motion, the court may appoint a Parenting Coordinator from the statewide roster upon a finding of good cause. The parties also may consent to the appointment of a Parenting Coordinator from the statewide roster without a finding of good cause.

(2) Appointment Not from the Statewide Roster. On request by one or both parties for the appointment of an individual not on the statewide roster and with the consent of the parties, the court may appoint any individual to serve as a Parenting Coordinator. No such non-roster appointment of a Parenting Coordinator shall be made in any case in which a domestic violence restraining order is in effect.

(d) Guidelines and Form of Order. The Administrative Director of the Courts shall issue

(1) guidelines covering the operation of Parenting Coordinators appointed pursuant to this Rule, and

(2) a form of order for the appointment of a Parenting Coordinator. The guidelines shall include, but not be limited to, the following: the authority, qualifications, and training requirements of a Parenting Coordinator; appointment and termination of a Parenting Coordinator; communication by the Parenting Coordinator with the parties and with the court; -24- procedures to be followed when a domestic violence restraining order is in effect; and the policy as to the Parenting Coordinator's impartiality. The Guidelines and the form of appointment order shall be posted on the Judiciary's website at <https://www.njcourts.gov/courts/family>.

Note: Adopted August 4, 2023. to be effective September 1, 2023.

GLENN A. GRANT
 Administrative Director of the Courts

Richard J. Hughes Justice Complex • P.O. Box 037 • Trenton, NJ 08625-0037

njcourts.gov • Tel: 609-376-3000 • Fax: 609-376-3002

TO: Assignment Judges
 Trial Court Administrators

FROM: Glenn A. Grant, Administrative Director 

SUBJ: Family – Parenting Coordinator Program – Guidelines; Forms

DATE: September 1, 2023

DIRECTIVE #16-23

Questions may be directed to
 609-815-2900, ext. 55350.

This directive promulgates statewide operational guidelines and forms for the Parenting Coordinator Program as approved by the Supreme Court. New Court Rule 5:8D, effective September 1, 2023, establishes the Parenting Coordinator Program, defines the role of the Parenting Coordinator, and establishes the appointment process for rostered and non-rostered Parenting Coordinators.

A Parenting Coordinator is a neutral person appointed by the court to facilitate the timely resolution of day-to-day parenting issues that arise within the context of family life when the parties cannot resolve issues on their own. Using the Order Appointing Parenting Coordinator, the court may appoint a Parenting Coordinator in dissolution (FM) and non-dissolution (FD) matters after the entry of (1) a pendente lite order or a temporary or final custody order, and (2) a parenting plan.

Parenting Coordinators can be selected from the Judiciary's Roster of Statewide Approved Parenting Coordinators ("Roster"), or the court may approve the appointment of a Parenting Coordinator who is not on the Roster if the parties consent. To be placed on the Roster, applicants must meet the qualifications and training requirements set forth in the attached Parenting Coordinator Guidelines. They must also submit the attached Application for Admission to the Roster of Statewide Approved Parenting Coordinators. Once on the Roster, Parenting Coordinators may change or update their profile by submitting a Roster of Statewide Parenting Coordinators Change/Update Form.

Directive #16-23
Parenting Coordinator Program—Guidelines; Forms
September 1, 2023
Page 2 of 2

The Roster and forms will be posted online at njcourts.gov. A training program that meets the requirements set forth in R. 5:8D and the attached Parenting Coordinator Guidelines is being planned.

Attachments:

1. Parenting Coordinator Guidelines (Rule 5:8D)
2. Order Appointing Parenting Coordinator (CN:13005)
3. Application for Admission to the Roster of Statewide Approved Parenting Coordinators (CN:13004)
4. Roster of Statewide Parenting Coordinators Change/Update Form (CN:13006)

cc: Chief Justice Stuart Rabner
Family Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
Family Division Managers and Assistant Division Managers
Nancy L. Manuele, Chief, Family Practice

Attachment 1

Parenting Coordinator Guidelines

This page intentionally left blank

Parenting Coordinator Guidelines (Rule 5:8D)

These Parenting Coordinator Guidelines are issued by the Administrative Director of the Courts pursuant to Rule 5:8D.

Guideline 1. Appointment

The court may appoint a Parenting Coordinator pursuant to Rule 5:8D. Parenting Coordinators do not serve as custody or parenting plan evaluators. In cases where a current temporary or final domestic violence restraining order exists pursuant to the Prevention of Domestic Violence Act (or equivalent law from another jurisdiction), the court may appoint a Parenting Coordinator at the sole election of the victim. The victim has the option to terminate the Parenting Coordinator process without the filing of a formal motion. Otherwise, termination of the Parenting Coordinator process shall be addressed pursuant to paragraph K of Guideline 5. Each party shall be permitted to briefly interview potential Parenting Coordinator candidates before the court makes the appointment.

Guideline 2. Authority of the Court and the Parenting Coordinator

A. Authority of the Court

The appointment of a Parenting Coordinator shall not affect the court's jurisdiction in any aspect of the case, including custody, parenting time or support, and its management and control of the case.

B. Authority of the Parenting Coordinator

1. The Order of Appointment shall:

- a. authorize the Parenting Coordinator to facilitate discussion between the parties,
- b. authorize the Parenting Coordinator to make recommendations to the parties in the event the parties cannot reach an agreement, and
- c. indicate that the Parenting Coordinator's recommendations will be binding upon the parties unless a party objects and then files a timely motion or Order to Show Cause.

2. The Parenting Coordinator shall not have authority to make recommendations regarding financial issues or to modify legal and/or physical custody. The Parenting Coordinator may make recommendations to facilitate parenting time, including but not limited to the following:

- a. Time, place, and manner of pick-up and drop-off of child,
- b. Childcare arrangements,
- c. Minor or temporary alterations in parenting schedules for weeknight, weekend, holidays, vacation, and special events that will not substantially alter the parenting plan,
- d. Dates for summer vacation,

- e. The parents' schedules and conditions of phone or other contact (e.g., text and email) with the child while in the other parent's custody,
- f. Selection and scheduling of activities and resolving conflicts between parties concerning the child's participation in recreation, enrichment, and extracurricular activities/programs,
- g. Referrals to other professionals to improve family functioning, including recommendations for custody or other focused evaluations,
- h. A child's travel and passport arrangements,
- i. Equipment and personal possessions of the child, including movement of these items between households for the child's use,
- j. Clarification of provisions in parenting plans to address inadvertent gaps that may lead to conflict between the parties including defining specific hours for pickup/drop-off and transportation during holidays,
- k. Information exchanges including school, health, social activities, and communication about the child between the parties,
- l. Consistency in child disciplinary matters,
- m. Non-permanent significant changes in a child's appearance including haircuts, hair color changes, dress code, and manicures,

n. Unless limited by a domestic violence restraining order, how the parties may communicate with each other, with the child, and in the child's presence, and

o. All other issues agreed upon by the parties and the Parenting Coordinator to help effectuate resolution of custody and parenting time issues.

Guideline 3. Qualifications of Parenting Coordinators on the Statewide Roster of Approved Parenting Coordinators

A. Process

The Administrative Director of the Courts, or the Director's designee, shall be responsible for reviewing and acting on all Parenting Coordinator applications. Applicants must complete an application form posted on the Judiciary's website (www.njcourts.gov). Applicants who meet the professional and training requirements set forth in this Directive shall be added to the Roster of Statewide Approved Parenting Coordinators. The roster shall be maintained by the Administrative Director of the Courts and shall be posted on the Judiciary's website.

Parenting Coordinators on the Statewide Roster must annually submit to the Administrative Director of the Courts proof that they continue to be licensed and in good standing in their respective professions.

B. Professional Qualifications

1. Retired Superior Court Judges and Currently Licensed Attorneys. Retired Superior Court judges and currently licensed attorneys must be licensed to practice law and be in good standing with the State of New Jersey Board of Admissions to the Bar.
2. Mental Health Professionals. Mental health professionals must be licensed and be in good standing in the fields of psychology, psychiatry, or social work in the State of New Jersey with the appropriate State Board or Agency.
3. Alternative or Complementary Dispute Resolution Professionals. Professionals in alternative or complementary dispute resolution occupations must be in good standing in their field.

C. Training Requirements

1. General. All Parenting Coordinators shall have completed a minimum of forty (40) hours of training pursuant to the requirements of subparagraph (C)(3) of Guideline 3.
2. Continuing Training. All Parenting Coordinators shall annually attend four (4) hours of continuing education and shall file with the Administrative Office of the Courts, as appropriate, an annual certification of compliance. To meet the requirement, this continuing education shall include instruction in ethical issues associated with Parenting Coordination practice and should cover at least one of

the following: case management skills; Parenting Coordination; and resolution concepts and skills.

3. Parenting Coordination Course Content. The forty (40) hours of classroom instruction for Parenting Coordinators shall include basic mediation skills as well as at least sixteen (16) hours of specialized Parenting Coordination training, which should cover: family and child development; psychological issues in separation and divorce; family dynamics; New Jersey family law; high-conflict family dynamics; parenting coordination process; techniques; domestic violence; the impact of divorce on children at varying developmental levels; diversity, inclusion, and cultural competency; and community resources.

4. Domestic Violence Training. Where there is a domestic violence restraining order, the parenting coordinator must also have completed additional training on domestic violence components, including: power and control; progression of abuse; the cycle of violence; and issues related to the victim and to the perpetrator.

Guideline 4. Exemptions for Non-Roster Parenting Coordinators

The court may approve the appointment of an individual to serve as a Parenting Coordinator who is not on the Roster of Statewide Approved Parenting Coordinators only with the consent of the parties. Non-Roster Parenting Coordinators shall not be appointed in matters where there is a domestic violence

restraining order. Parenting Coordinators who are not on the roster must follow these Guidelines and are only exempted from certain provisions if stated below or by court order:

A. Qualifications and Training Requirements. Parenting Coordinators appointed by consent of the parties are exempt from the qualification requirements set forth in paragraph (B) of Guideline 3 and the training requirements set forth in paragraph (C) of Guideline 3.

B. Conflicts of Interest and Impartiality. Depending upon the relationship (e.g., relative, trusted friend) of the non-roster Parenting Coordinator to the parties, the Parenting Coordinator may be exempt from Guideline 6 regarding conflicts of interest. However, all Parenting Coordinators must be impartial.

C. Reporting of Suspected Domestic Violence or Child Abuse. Although non-roster Parenting Coordinators shall not be appointed where there is a domestic violence restraining order, the Parenting Coordinator shall contact the court to address any safety concerns relating to a party or child. Additionally, domestic violence records and names and addresses of victims or alleged victims of domestic violence or sexual offenses are confidential. The Parenting Coordinator shall not disclose such information. (See Court Rule. 1:38-3(d)(9) and -3(d)(10)).

In New Jersey, any person having reasonable cause to believe that a child has been subjected to abuse should immediately call 1-877 NJ ABUSE (1-877-652-2873). If the child is in immediate danger, the Parenting Coordinator should also call 911.

Guideline 5. Procedures

A. The Order of Appointment shall specify the authority of the Parenting Coordinator and indicate the issues on which the Parenting Coordinator may make recommendations.

B. On each issue submitted to the Parenting Coordinator, each party will have an opportunity to be heard.

C. Parenting Coordinators shall not have any communication with the court unless mutually agreed to by the parties or unless required by statute, court rule, or the appointment order. Absent mutual agreement, either party may file an application to permit the Parenting Coordinator to communicate with the court. Such communication must be on notice to the parties.

D. A term limit for the appointment of a Parenting Coordinator shall be set forth in the order, as fixed by the court or agreed to by the parties, which term shall commence upon the parties' retention of the Parenting Coordinator. The term of appointment may be extended by the court on good cause shown or by agreement of the parties.

E. A Parenting Coordinator shall document in writing all agreements made by the parties and all recommendations by the Parenting Coordinator, which shall be communicated simultaneously to both parties. In time sensitive circumstances, recommendations may be made orally and must be communicated to both parties, followed by written confirmation simultaneously communicated to both parties.

F. The Parenting Coordinator shall hold an initial meeting with the parties, either jointly or separately, at the discretion of the Parenting Coordinator, and in compliance with limitations set forth in any domestic violence restraining order. The Parenting Coordinator shall define and describe for the parties in the retainer agreement, the role, limitations, and fees of the Parenting Coordinator, which shall be consistent with the Order of Appointment.

G. Complaint Procedure. Except as provided by other applicable law, a party having a complaint about a Parenting Coordinator shall submit a written letter to the Parenting Coordinator detailing the complaint, with a copy: to the other party (or where there is a domestic violence restraining order, the Parenting Coordinator shall serve the copy on the other party; or to both attorneys (if any), and to the attorney for the child (if any)). The Parenting Coordinator shall within ten (10) days of receipt of a written complaint provide a written response to both parties and the attorneys, subject to the other provisions herein. Thereafter, the

Parenting Coordinator at their discretion may schedule a meeting or conference call with the attorneys or with the attorneys and the parties or self-represented litigants in an effort to resolve the complaint. In situations where the complaint is not resolved by this process, the dissatisfied party may file a motion with the court.

H. Compensation of Parenting Coordinator. Parenting Coordinators shall be compensated in accordance with their stated fees and for expenses incurred, which shall be clearly set forth in the Order of Appointment, as well as in the Retainer Agreement and/or in the information and materials provided to the parties at the initial conference. The parties shall pay the apportioned percentage either as agreed upon or determined by the court and set forth in the Order of Appointment.

I. Pay Disputes. Parenting Coordinators that have not been timely paid in accordance with the Order of Appointment may bring an action to compel payment. Such action shall be made in the county in which the Order of Appointment originated and shall be commenced with the filing of a complaint in the Law Division. Nothing in these Guidelines prevents either party or the court from allocating, modifying, or enforcing the parties' respective obligations to pay the Parenting Coordinator pursuant to the Order of Appointment in the Family Part matter.

J. Parenting Coordinator Retainer Agreement/Fees. The Parenting Coordinator's retainer agreement shall set forth the fees, costs and retainer associated with the appointment. The retainer agreement must include the following information:

1. A description of the services and disbursements for which the parties will be responsible and how they will be billed, the Parenting Coordinator's hourly billing rate, the amount of retainer required, and how the retainer will be applied and replenished,
2. The method by which the fee will be computed,
3. The billing frequency, which shall be no less frequently than every ninety (90) days, provided services were rendered in that period, and
4. The payment due date.

K. Termination of Parenting Coordinator's Appointment.

1. The court or the Parenting Coordinator may terminate the appointment in the following instances:
 - a. the services of the Parenting Coordinator do not meet the needs of the family,
 - b. the child has reached the age of majority,
 - c. the parties stipulate to termination, or

d. the Parenting Coordinator's fees are not being paid or are not being paid at a time specified by the Order of Appointment.

2. Either party may file a motion to terminate the Parenting Coordinator's appointment if the Parenting Coordinator exceeded their mandate, acted in a manner inconsistent with the approved procedures or violated professional conduct, provided the approved complaint procedure has been utilized. If the Parenting Coordinator seeks to withdraw, the request shall be granted absent extraordinary circumstances.

Guideline 6. Conflicts of Interest and Impartiality

A. Parenting Coordinators shall be subject to the professional standards of their respective professions.

B. Parenting Coordinators shall be impartial and shall not discriminate based on race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or disability. Parenting Coordinators shall withdraw from a case if they determine that they cannot act in an impartial manner. Parenting Coordinators have a primary duty to be impartial and to advise all parties of any circumstances that create the appearance of possible bias, prejudice, or inability to remain impartial.

C. Parenting Coordinators shall neither give nor accept a gift, favor, loan, or other item of value from any party having an interest in the Parenting

Coordination process, subject to potential reasonable exemptions for non-roster Parenting Coordinators.

D. Parenting Coordinators shall not serve in a manner that presents a conflict of interest. A conflict of interest arises when any relationship between the Parenting Coordinator and either or both parties, or the subject matter of the dispute compromises the Parenting Coordinator's impartiality. Parenting Coordinators shall disclose potential conflicts of interest as soon as practical after the Parenting Coordinator becomes aware of the interest or relationship giving rise to the potential conflict.

E. Parenting Coordinators shall not create a conflict of interest by providing any service to interested parties that is not directly related to the Parenting Coordination process.

F. A conflict of interest shall include, but is not limited to the following:

1. The Parenting Coordinator has a personal bias or prejudice concerning a party or a party's lawyer,
2. The Parenting Coordinator has personal knowledge of the parties, the child or of disputed evidentiary facts concerning the proceeding, or
3. The Parenting Coordinator, or a partner or associate in the Parenting Coordinator's firm, served as lawyer, therapist, consultant, coach or in

any other mental health role or other representative capacity for the parties or child.

G. Parenting Coordinators disqualified by the terms of these Guidelines may not avoid disqualification by disclosing the conflict of interest and securing the parties' consent to a waiver of the conflict.

H. Parenting Coordinators shall attend to all matters in a timely manner.

I. Parenting Coordinators shall not serve in dual sequential roles in a matter including as attorney, guardian ad litem, mediator, arbitrator, custody evaluator, therapist, coach, consultant, or other mental health role for either party or a child in the matter. Parenting Coordinators should attempt to facilitate resolution of issues by agreement of the parties and shall not act in a formal mediator role or as a therapist, evaluator, or legal advisor. A Parenting Coordinator's attempt to resolve an issue does not disqualify them from making a recommendation on an issue that remains unresolved.

Guideline 7. Confidentiality/Manner of Communications

A. All communications by the parties or their attorneys with the Parenting Coordinator shall not be confidential. All communications by third parties with the Parenting Coordinator shall not be confidential, unless the communication is made from a third party who has a privileged relationship with a

party or a child, in which case the issue of whether the communication remains privileged/confidential shall be explicitly addressed by the parties and the Parenting Coordinator and adjudicated by the court if unresolved. A Parenting Coordinator shall expressly advise the parties regarding the terms of this paragraph.

B. The Parenting Coordinator may communicate with a party, their attorney, or any mutually agreed upon third party on an *ex parte* (meaning one-on-one, private communication, not in the presence of the other party) basis to the extent necessary to obtain information relevant to the Parenting Coordinator's role. The fact of such communication shall be made known to the parties as determined by the Parenting Coordinator. The Parenting Coordinator may meet with the child upon the expressed written consent of all parents/legal guardians if the Parenting Coordinator believes that this will aid in issuing appropriate recommendations.

C. The parties shall have the right to initiate or receive one-on-one communication with the Parenting Coordinator. Any such one-on-one communications shall be made known to the other party, as soon thereafter as possible, in writing in a manner consistent with the Parenting Coordinator's protocols. Any party or their attorney may communicate in writing with the Parenting Coordinator. Copies of such communications will be provided to the other party unless the Parenting Coordinator determines otherwise. In those

instances, the Parenting Coordinator will determine how they will convey the communication with the other parent consistent with the protocols established by the Parenting Coordinator. Copies of any documents, tape recordings or other electronic material that one party gives to the Parenting Coordinator must also be given to the other party unless the Parenting Coordinator determines otherwise. In those instances, the Parenting Coordinator will determine how the materials will be conveyed to the other party. If a crisis arises that will affect a child, the Parenting Coordinator may make a recommendation on an emergent basis, either in person or by way of an emergency conference call or by electronic means, to all parties. In cases where there is a domestic violence restraining order between the parties, communication shall be consistent with the limitations of such order.

Attachment 2

Order Appointing Parenting Coordinator -
CN 13005

This page intentionally left blank

Superior Court of New Jersey
 Chancery Division - Family Part
 County of _____
 Docket Number: _____

v.

Plaintiff,

Defendant,

Civil Action
Order Appointing
Parenting Coordinator

This matter having been opened to the Court to appoint a Parenting Coordinator to assist in implementing the parties' (select one):

- ☐ court ordered custody and parenting plan, or
- ☐ agreed upon custody and parenting plan.

The appointment is made (select one)

- ☐ upon consent of the parties, or
- ☐ pursuant to a court hearing, and

The Court having considered the (select one)

- ☐ testimony and evidence presented, or
- ☐ certifications submitted by the parties and the argument of counsel,

And,

The Court having made (select one)

- ☐ oral findings of good cause, or
- ☐ written findings of good cause;

It is on this ____ day of _____, 20____, Ordered that

1. Appointment: (full name) _____, located at _____, New Jersey (phone: _____), is hereby appointed Parenting Coordinator for a term of (date/event) _____.
 The Parenting Coordinator was selected:

- ☐ from the Statewide Roster of Approved Parenting Coordinators (I446) or

- ☐ not selected from the Statewide Roster of Approved Parenting Coordinators and instead appointed with the consent of the parties (I447).

2. Fees and Retainer: The Parenting Coordinator will be compensated at the hourly rate of \$_____ consistent with their retainer agreement. A joint retainer of \$_____ will be paid to the Parenting Coordinator and the parties shall sign the Parenting Coordinator's retainer agreement, a copy of which is annexed to this Order as Schedule A, within ____ days of this Order. The parties will share the Parenting Coordinator's fees as follows: Plaintiff ____% and Defendant ____% subject to a reallocation by application to the court. The court may seek input from the Parenting Coordinator in the event of a request for reallocation of fees and costs.
3. Role of Parenting Coordinator: The Parenting Coordinator shall assist in implementing the parties' parenting plan by facilitating the resolution of day-to-day parenting issues in a timely manner when the parties cannot resolve these issues themselves, including facilitating communication and agreement whenever possible, assisting the parties to learn strategies to avoid conflict regarding their child, reduce misunderstanding, clarify priorities, explore possibilities for compromise, develop methods of communication to promote cooperation in parenting, and making recommendations to the parties to achieve these goals. The Parenting Coordinator does not function as an attorney, guardian ad litem, counselor, therapist, mediator, arbitrator, custody evaluator, coach, consultant or mental health provider for the parties, child, or family.
4. No Confidentiality: Communications by the parties or their attorneys with the Parenting Coordinator are evidential, and shall not be deemed confidential. All communications from third parties to Parenting Coordinators shall not be deemed confidential, unless the communication is made from a third party who has a privileged relationship with a party/child, in which case the issue of whether the communication remains privileged or confidential shall be explicitly addressed by the parties and the Parenting Coordinator and adjudicated by the court if unresolved. Additionally, the parties acknowledge that consistent with this Order, the Parenting Coordinator shall abide by the terms of R. 1:38-3(d)(9) and -3(d)(10) and maintain confidentiality of the parties' identifying information, contact information, records and reports of any kind.
5. Recommendations: The Parenting Coordinator shall facilitate discussion between the parties and make recommendations to the parties in the event the parties cannot reach an agreement, which shall become binding unless a party objects by filing a timely motion or order to show cause. In cases where there exists a current temporary or final restraining order between the parties, communication shall be consistent with the limitations of such order.

6. Sources of Information: Each party is ordered to provide the Parenting Coordinator with all requested information including signed releases to enable the Parenting Coordinator to communicate with collateral contacts. The Parenting Coordinator is authorized to have contact with any professional or other individual the Parenting Coordinator deems necessary to perform the duties as Parenting Coordinator including the child, therapists, physicians, childcare providers, teachers, and family members. In the event that either a collateral contact possesses privileged information, or the information sought is privileged pursuant to a statute, the party has the right to oppose signing the release and shall advise the Parenting Coordinator and the other party of their objections. If the issue remains unresolved, either party may file a motion and the court shall determine whether the release is to be signed and whether and to what extent the privileged information shall remain confidential.
7. Scope: The Parenting Coordinator shall not have authority to make recommendations regarding financial issues or modify legal and physical custody. The Parenting Coordinator may make recommendations to facilitate parenting time on matters, including:
 - a) Time, place and manner of pick-up and drop-off of child;
 - b) Childcare arrangements;
 - c) Minor or temporary alteration in parenting schedules for weeknight, weekend, holidays, vacation, and special events that will not substantially alter the parenting plan;
 - d) Dates for summer vacation;
 - e) The parents' schedules and conditions of phone or other contact (e.g., text and email) with the child while in the other parent's custody;
 - f) Selection and scheduling of activities, and resolving conflicts between the parties concerning the child's participation in recreation, enrichment, and extracurricular activities;
 - g) Referrals to other professionals to improve family functioning, including recommendation for custody or other focused evaluations;
 - h) Child's travel and passport arrangements;
 - i) Equipment and personal possessions of the child, including movement of these items between households for a child's use;
 - j) Clarification of provisions in parenting plans to address inadvertent gaps that may lead to conflict between the parties, including defining specific hours for pickup/drop-off and transportation during holidays;
 - k) Information exchanges, including school, health, social activities, and communication about the child between the parties;
 - l) Consistency in child disciplinary matters;
 - m) Non-permanent significant changes in a child's appearance, including haircuts, hair color changes, dress code, manicures;

- n) Unless limited by a domestic violence restraining order, how the parties communicate with each other, with the child, and in the child's presence; and
 - o) All other issues agreed upon by the parties and the Parenting Coordinator to help effectuate resolution of custody and parenting issues.
8. Protocol: The Parenting Coordinator shall determine the protocol of all communications, interviews, and sessions, including who shall or may attend the meetings. At their discretion, the Parenting Coordinator may conduct meetings with the parties, the child, and others related to the case jointly or separately, which meetings may occur by telephone, video conference or in person. All parties will have an opportunity to be heard on each issue submitted to the Parenting Coordinator. The Parenting Coordinator shall provide an agenda to the parties in the event the Parenting Coordinator initiates the request for a meeting. In no event may a party tape or record any Parenting Coordination sessions. In cases in which there is domestic violence restraining order between the parties, communication shall be consistent with the limitations of such order. The Parenting Coordinator shall document in writing all agreements made by the parties and all recommendations by the Parenting Coordinator, which shall be communicated simultaneously to both parties. In time sensitive circumstance, recommendations may be made orally and must be communicated to both parties, followed by written confirmation simultaneously communicated to both parties.
9. Communication with the Parenting Coordinator: The parties have the right to initiate or receive oral ex parte (meaning private, not in the presence of the other party) communication with the Parenting Coordinator at the Parenting Coordinator's discretion, and the fact of such communication shall be made known to the other party contemporaneously with its occurring (or as soon thereafter as possible) in writing in a manner consistent with the Parenting Coordinator's protocols. Any party or their attorney may communicate in writing with the Parenting Coordinator and copies of such communications will be provided to the other party, unless the Parenting Coordinator determines otherwise, in which event the Parenting Coordinator will determine the means by which they will convey the communication to the other parent consistent with the protocols established by the Parenting Coordinator. Copies of any documents, tape recordings, or other electronic material that one party gives to the Parenting Coordinator must also be given to the other party unless the Parenting Coordinator determines otherwise, in which event the Parenting Coordinator will determine the means by which the contents will be conveyed to the other party. If a crisis situation arises that will affect a child, the Parenting Coordinator may make a recommendation on an emergent basis with all parties present either in person or via emergency conference call, or by e-mail to all

parties. In cases in which there is domestic violence restraining order between the parties, communication shall be consistent with the limitation of such order.

10. **Testimony:** The Parenting Coordinator shall testify only pursuant to an order issued by a judge in this matter. The Parenting Coordinator shall be paid for all court appearances, depositions, conferences, or other appearances at which the Parenting Coordinator participates in connection with these proceedings including travel time at the Parenting Coordinator's hourly rate of \$_____ and payment of the estimated amount required shall be paid no later than 48 hours prior to testifying or appearing,
11. **Termination:** The court or the Parenting Coordinator may terminate the Parenting Coordinator's appointment in the following instances: the services of the Parenting Coordinator do not meet the needs of the family; the child has reached the age of majority; the parties stipulate to the termination; the Parenting Coordinator's fees are not being paid; entry of a court order; or upon expiration of the term as set forth in paragraph 16 of this order. Either party may file a motion to terminate the Parenting Coordinator's appointment whenever the Parenting Coordinator has exceeded their mandate, acted in a manner inconsistent with the approved procedures, or violated professional conduct, provided the approved complaint procedure has been utilized. If the Parenting Coordinator seeks to withdraw, the request shall be granted absent extraordinary circumstances.
12. **Complaint:** Except as provided by other applicable law, a party having a complaint about the Parenting Coordinator shall submit a written letter to the Parenting Coordinator detailing their complaint, with a copy to the other party (or where there is a domestic violence restraining order the Parenting Coordinator shall serve the copy on the other party) to both attorneys (if any) and to the attorney for the child (if any). The Parenting Coordinator shall within ten (10) days provide a written response to both parties and their attorneys, subject to the other provisions herein. Thereafter, the Parenting Coordinator at their discretion may schedule a meeting or conference call with the attorneys and the parties to resolve the complaint. If the complaint is not resolved by this process, the dissatisfied party may file a motion with the court to decide the dispute.
13. **Report to the Court:** Parenting Coordinators shall not have any communication with the court, unless mutually agreed to by the parties or unless otherwise required or permitted under the terms of this Order. Absent mutual agreement, either party may file a motion to permit the Parenting Coordinator to communicate with the court and such communication will be on notice to the parties.
14. In cases where there currently exists a temporary or final restraining order pursuant to the New Jersey Prevention of Domestic Violence Act, it is further ordered:

- a) The victim shall be advised of the right to decline appointment of a Parenting Coordinator and that the victim has the option to terminate the Parenting Coordinator process without the filing of a formal motion. Otherwise, termination of the Parenting Coordinator process shall be addressed pursuant to paragraph 11 of this order.
 - b) The Parenting Coordinator shall address any safety concerns with the court in writing.
 - c) The Parenting Coordinator shall abide by the terms of Rule 1:38-3(d)(9) and -3(d)(10) and maintain confidentiality of the parties' identifying information, contact information, records, and reports of any kind.
 - d) The Parenting Coordinator shall include measures addressing the safety of the parties and any participants and shall establish protocols for meetings and communications consistent with the domestic violence restraining order.
15. The Parenting Coordinator remains subject to the child abuse reporting requirements pursuant to N.J.S.A. 9:6-8.10.
16. The Parenting Coordinator's appointment shall expire on _____, unless otherwise extended upon a showing of good cause or by agreement of the parties.
17. Other Terms:

 _____.

A copy of this order and guidelines shall be served on the parties and the Parenting Coordinator within ____ days.

 Date

s/

 J.S.C.

Attachment 3

Application for Admission to the Roster of
Statewide Approved Parenting Coordinators

CN 13004

This page intentionally left blank



New Jersey Judiciary

Qualifications for Admission to the New Jersey Judiciary Roster of Statewide Approved Parenting Coordinators

The Administrative Director of the Courts, or the Director's designee, is responsible for reviewing and acting on Parenting Coordinator applications. Applicants must complete the attached application. Those who meet the professional and training requirements set forth below will be added to the Roster of Statewide Approved Parenting Coordinators.

Parenting Coordinators on the Statewide Roster must annually submit to the Administrative Office of the Courts proof that they continue to be licensed and in good standing in their respective professions and proof of continuing training.

Required Professional Experience and Education

Professional Qualifications

1. *Retired Superior Court Judges and Currently Licensed Attorneys.*
Retired Superior Court judges and currently licensed attorneys must be licensed to practice law and be in good standing with the State of New Jersey Board of Admissions to the Bar.
2. *Mental Health Professionals.*
Mental health professionals must be licensed and be in good standing in the fields of psychology, psychiatry, or social work in the State of New Jersey with the appropriate State Board or Agency.
3. *Alternative or Complementary Dispute Resolution Professionals.*
Professionals in alternative or complementary dispute resolution occupations must be in good standing in their field.

Training Requirements

1. *General.*
All Parenting Coordinators shall have completed a minimum of forty (40) hours of training pursuant to the requirements of paragraph 3 below.
2. *Continuing Training.*
All Parenting Coordinators shall annually attend four (4) hours of continuing education and shall file with the Administrative Office of the Courts, as appropriate, an annual certification of compliance. To meet the requirement, this continuing education shall include instruction in ethical issues associated with Parenting Coordination practice and should cover at least one of the following: case management skills; Parenting Coordination; and resolution concepts and skills.

3. *Parenting Coordinator Course Content.*

The forty (40) hours of classroom instruction for Parenting Coordinators shall include basic mediation skills as well as at least sixteen (16) hours of specialized parenting coordination training, which should cover: family and child development; psychological issues in separation and divorce; family dynamics; New Jersey family law; high-conflict family dynamics; parenting coordination process; techniques, domestic violence; the impact of divorce on children at varying developmental levels; diversity, inclusion, and cultural competency; and community resources.

4. *Domestic Violence Training.*

Where there is a domestic violence restraining order, the Parenting Coordinator must also have completed additional training on domestic violence components, including: power and control; progression of abuse; the cycle of violence; and issues related to the victim and to the perpetrator.

		New Jersey Judiciary Application for Admission to the Roster of Statewide Approved Parenting Coordinators		
Last Name		First Name		Middle Name
Firm / Business Name				
Firm / Business Address: Street				
City			State	Zip Code
Telephone Number	Fax Number		Email	
Have you ever been disciplined in your profession? (If yes, attach explanation.) ☐ Yes ☐ No			Do you have malpractice insurance? ☐ Yes ☐ No	Hourly Fee \$
Currently Licensed Attorneys and Retired Superior Court Judges				
Degrees Attained (post high school)	Year	Name of Institution(s)		
Year Admitted to the New Jersey Bar	Attorney ID	Are you a retired Superior Court Judge? ☐ Yes ☐ No		
Mental Health Professionals				
Degrees Attained (post high school)	Year(s) Received	Name of Institution(s)		
New Jersey Professional License(s)	Date(s) Received	License Number(s)		
Alternative or Complementary Dispute Resolution Professionals				
Degrees Attained (post high school)	Year(s) Received	Name of Institution(s)		
Areas of Practice				

Parenting Coordinator Training (Attach additional page if necessary.)

Provider(s)	Course Title	Date(s)	Hours
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I certify that the foregoing statements made by me are true and that I am in good standing in my profession.

Date

s/

Signature

Please attach the following:

1. Resume or Curriculum Vitae
2. **Copies of official training certificates of completion that meet the mandatory training requirements.**
3. Descriptive paragraph (maximum of 50 words) about your parenting coordinator services and other relevant professional experience that will appear on the statewide roster if your application is approved.

Send the items described above, and this completed form to the Parenting Coordinator Program by email, mail, or fax.

Email: AOCFamily.mbx@njcourts.gov

Mail: Family Practice Division
Administrative Office of the Courts
PO Box 983
Trenton, NJ 08625

Fax Number: (609) 376-3021

Attachment 4

Roster of Statewide Parenting Coordinators Change/Update Form

CN 13006

This page intentionally left blank



**New Jersey Judiciary
Family Practice Division
Roster of Statewide Parenting Coordinators
Change/Update Form**

Name		Request Date	
Attorney ID		Telephone Number	
☐ Remove me from the Roster. ☐ Update the following information on the Roster.			
Address: Street			
City		State	Zip Code
Telephone Number		Fax Number	
Email Address		Website	
Counties where your name currently appears on the Roster:			
Counties where you want your name added on the Roster:			
Hourly Fee \$			

Email or fax your completed form to: Parenting Coordinator Program,
AOCFamily.mbx@njcourts.gov or (609) 376-3021.

This page intentionally left blank

Parenting Coordination in New Jersey – What Is it Now that We Have a Court Rule?

By: Amy Wechsler, Esq.

Effective September 1, 2023, the New Jersey Supreme Court (“the Court”) adopted R.5:8D, defining parenting coordination and the circumstances under which a judge may appoint a parenting coordinator.ⁱ The rule instructs the Administrative Office of the Courts (“AOC”) to issue “operational guidelines and forms for the Parenting Coordination Program as approved by the Supreme Court (hereafter “AOC Guidelines”).”ⁱⁱ Together, the rule and the AOC Guidelines include detailed procedures and establish a Statewide Roster of Approved Parenting Coordinators, providing long-needed definition, accountability, clarity and uniformity for parenting coordination in New Jersey. There remain, however, areas of confusion and concern, as noted in this article.

The new rule was adopted in response to long-standing criticisms of parenting coordination in New Jersey. Judges, lawyers and litigants misunderstood the role, such that individuals were often appointed without defining what they could or could not do, sometimes confusing the role with mediation or therapy, and sometimes without regard to the qualifications of the people they appointed. The lack of definition and uniformity generated unrealistic expectations, disillusionment and harsh criticism over the “unregulated nature of parenting coordination” in New Jersey.ⁱⁱⁱ To address these on-going problems, the New Jersey Supreme Court Family Practice Committee (hereafter “Practice Committee”) undertook an in-depth analysis of the status of parenting coordination and raised several concerns in its Final Report for 2009-2011, including the following:

- There were no qualifications for who could serve as a parenting coordinator by way of education, training or experience;
- There were no limitations on the issues parenting coordinators could address;

- Parenting coordinators could unilaterally exceed the scope of their authority by way of engagement letters;
- The process was unaffordable for many parents;
- There were no limits on the duration of appointments^{iv}

Responding to these concerns, and seeking to clarify and codify the role of parenting coordinators in New Jersey, the Family Law Executive Committee of the New Jersey State Bar Association Family Law Section established a Parenting Coordination Task Force comprised of mental health experts and experienced family law attorneys (hereafter “PC Task Force”). After years of study, in April 2021, the Task Force issued a comprehensive report that addressed each of the Practice Committee’s concerns and proposed a court rule to a) establish detailed guidelines for parenting coordination, b) adopt a proposed detailed form of order of appointment, and c) establish a Statewide roster of qualified parenting coordinators.^v The Practice Committee considered the Task Force report during its 2021-2023 term and recommended adopting a parenting coordination rule, R.5:8D, which substantially mirrored the Task Force proposal. The Supreme Court made further changes, some of which are material and of concern. The result is in two parts: R.5:8D and AOC Directive #16-23.

The New Rule and AOC Guidelines – What You Need to Know

R.5:8D defines a parenting coordinator as “a neutral individual appointed by the court to assist in implementing the parties’ parenting plan...by facilitating the resolution of day-to-day parenting issues in a timely manner when the parties cannot resolve issues on their own.”^{vi} The primary focus for the parenting coordinator is to act in the children’s best interests, by “reducing

conflict and fostering sound decisions that will aid positive child development.” The goals of parenting coordination are

to aid the parties in monitoring and effectuating the existing parenting plan...; to reduce misunderstandings and miscommunication between the parents; to help reduce litigation filed with the Famil Part; to clarify priorities of the parents and the children; to explore possibilities for compromise; and to develop methods of communication that promote collaboration in parenting.^{vii}

Although parenting coordinators’ recommendations will now be binding, that is not the goal; rather, the process “should facilitate decision-making by the parties whenever practicable.”^{viii}

The AOC Guidelines set forth what the order of appointment must provide, define and limit the parenting coordinator’s authority and the issues that can be addressed in the parenting coordination process, and provide procedures parenting coordinators are to follow. These procedures address communication with parties and the court, clarify that parenting coordination is not a confidential process, address compensation, fee disputes, how complaints about the parenting coordinator are to be handled, and the circumstances under which the process can be terminated. The AOC Guidelines also set forth professional and training requirements to qualify for the Statewide Roster and prohibit the appointment of non-roster parenting coordinators in domestic violence matters. The following are highlights of the rule and the AOC Guidelines:

- Parenting coordinators may be appointed in both dissolution and non-dissolution cases.
- Appointments are made only after entry of a custody order and parenting plan.^{ix}
- On a finding of good cause, judges may appoint a parenting coordinator from the Statewide Roster, but if the parties agree, a parenting coordinator may be appointed from the Statewide Roster without a showing of good cause. The court may also appoint someone not on the Statewide Roster on request by one or both parties, and both parties’ consent.^x All parenting coordinators, whether on the Statewide Roster or not, must follow the AOC Guidelines.^{xi}

- If a temporary or final domestic order is in effect, the court cannot appoint a parenting coordinator who is not on the Statewide Roster. Even if someone is on the Statewide Roster, a parenting coordinator can be appointed only at the election of the victim.
- Orders must indicate a term limit for the appointment, which should begin when the parenting coordinator is actually retained, rather than when the order is entered.
- Orders must specify the scope of the parenting coordinator's authority and the issues that can be addressed in the process
- Parenting coordinators do not have authority to modify legal or physical custody, do not have authority to address financial issues, do not serve as custody or parenting plan evaluators,^{xii} and may not serve in dual sequential roles in a matter;^{xiii}
- The parenting coordinator's recommendations will be binding unless a party timely objects by bringing a motion or Order to Show Cause;
 - Parenting coordinators may not communicate with the court unless both parties agree or the court orders.

The AOC Guidelines are detailed and comprehensive, and far too lengthy to set forth in this article. Anyone seeking to be appointed as a parenting coordinator, or who seeks to have one appointed in a case should read the rule and the AOC Guidelines, which can be found at <https://www.njcourts.gov/courts/family>.

The AOC Guidelines also include a sample order, which is detailed and extensive. Certain provisions are mandatory (e.g., term of appointment, list of issues on which the parenting coordinator may make recommendations, fees, communication). Nonetheless, despite the level of detail regarding how the process should be conducted, parenting coordinators should be able to adapt these orders to reflect their protocols.^{xiv}

On-Going Concerns

While adoption of R 5:8D and the AOC Guidelines was an important step in establishing uniformity and clarity for parenting coordination, some provisions may be confusing, may frustrate some of the goals of parenting coordination and may dilute effectiveness of the process.

Binding Recommendations

According to the AOC Guidelines, orders of appointment must specify “that” the parenting coordinator’s recommendations are binding unless a party objects and files a timely motion or Order to Show Cause.^{xv} Dictating that the parenting coordinator’s recommendations are binding in all cases may lead some to see parenting coordination as just another form of arbitration. This view minimizes the importance of one of the primary goals of parenting coordination, which is “reducing conflict and fostering sound decisions that will aid positive child development.”

In contrast, the Task Force proposal provided that orders of appointment would indicate “whether” the recommendations would be binding, thereby giving judges the ability to assess each case and the level of conflict between the parties, and exercise discretion as to which option would be appropriate. Substituting the word “that” for the word “whether” is significant, and the AOC Guideline means that the decision to make recommendations binding or non-binding is no longer within the discretion of the judge.^{xvi}

Concerns about Costs

The Supreme Court, questioning the cost of parenting coordination and whether families can afford it, suggested that lay persons, such as clergy, family members or friends could serve as parenting coordinators such that parents with modest means could utilize parenting coordination at little or no cost. While it is true that couples who bring disputes to the parenting coordination process incur significant fees, those fees pale in comparison to litigation costs. Over time,

parenting coordination fees lessen because many couples learn from the process, improve communication and are able to make decisions without the need for third party intervention. Many other couples need only occasional assistance as issues arise, and go several months or longer without bringing a dispute to the parenting coordinator.

The Court's preference to make parenting coordination available at low cost or even no cost is evident from the AOC website, which promotes the use of parenting coordinators who are not on the Statewide Roster, while it de-emphasizes selecting someone from the Statewide Roster. The AOC website, when first published, provided that parents could select a family member or friend who is not on the roster to serve as their parenting coordinator, and that "[if] the parties choose a person they know, there is no fee."^{xvii} This is a problem most obviously because courts cannot dictate whether private individuals may charge for their services. Fortunately, after this was brought to the attention of the AOC, the reference to "no fee" was removed. Still, even though that statement was deleted, the structure of the website encourages parents to use unqualified, non-roster parenting coordinators, such as individuals, friends, community members or family members, most, if not all of whom, lack the skills, knowledge, and experience to effectively serve as parenting coordinators without becoming enmeshed in the parents' disputes. Involvement in personal disputes can ruin relationships, especially when most recommendations will nearly always be seen as "taking sides." This is all the more difficult when dealing with sensitive parenting issues and parents who have persistent conflict and disagreement. Moreover, the rules and AOC Guidelines govern everyone who serves as a parenting coordinators, whether on the Statewide Roster or not. Untrained and inexperienced laypersons may find the requirements onerous or confusing, may be unable to manage parental conflict, and may be discouraged from taking on this responsibility.

Help Wanted, No Experience Necessary

What is perhaps most surprising about the Supreme Court's final version of the rule, is the elimination of experience as a requirement to be a parenting coordinator in New Jersey, either on or off the Statewide Roster. Both the Task Force and the Practice Committee proposals included a substantial experiential requirement, defined for lawyers as seven years practicing law and a practice "substantially devoted to family law, including extensive practical professional experience with high conflict family cases" and, for mental health providers as seven years of experience including a practice "substantially devoted to conflict resolution of family matters and family therapy." The Supreme Court rejected this provision and the only requirements to be included on the Statewide Roster are active licensure in one's profession (law, mental health or mediation) and 40 hours of training, most of which is mediation training.

National and international organizations that have promulgated guidelines for parenting coordination all agree – experience matters. The Association of Family and Conciliation Courts ("AFCC"), which developed the first extensive guidelines for parenting coordination, addressed the primary requirement that parenting coordinators be competent:

A PC shall be a licensed mental health or family law professional, or a certified, qualified or regulated family mediator...[and] should also have extensive practical professional experience with family cases involving high conflict parenting dynamics.^{xviii}

The guide for parenting coordination training published by the International Centre for Children and Family Law notes that parenting coordinators "have extensive experience and qualifications" to provide "assessment, education, case management, conflict resolution, conflict management,

negotiation and, when necessary, decision-making functions.”^{xix} The American Psychological Association’s parenting coordination guidelines acknowledge the importance of “specialized competencies” (professional, personal, and cultural) as well as relevant experience.”^{xx}

Parenting coordinators work with parents for whom conflict resolution is a persistent problem, typically over time, managing parental conflict, educating parents, addressing sensitive parenting issues, helping parents change maladaptive behaviors and, only when necessary, making recommendations about day-to-day family issues. The determination that parenting coordinators’ recommendations will be binding makes their role in understanding issues and exercising appropriate judgment all the more important.

The role of experience in developing professional competency cannot be overemphasized. Education and licensure in one’s chosen field and 40 hours of classes are not sufficient, and the absence of an experiential requirement in the final version of the rule is troubling, particularly as it pertains to inclusion on the Statewide Roster.

If the Justices considered that 40 hours of training for parenting coordinators would take the place of experience, that view was ill-informed. Competence and skill are developed through experience. The training component was not intended, and cannot possibly serve, to replace the need for experienced professionals to take on these challenging assignments.

It is baffling that the Supreme Court requires extensive experience for mediators, yet requires none at all for parenting coordinators. Mediation is but one of many skills necessary for effective parenting coordination. To serve on the Roster of Mediators for Economic Aspects of Family Law Cases, mediators, in addition to education (training) and active licenses, must have seven years of experience as attorneys or, if they are non-attorneys, seven years in their field of expertise, followed by a mentorship with an experienced mediator.^{xxi xxii} The skills and knowledge

required of parenting coordinators extends far beyond mediation. These additional skills and knowledge cannot be acquired by attending 16 hours of parenting coordination training alone. Meaningful experience practicing family law or providing mental health services to families in conflict is essential.

Eliminating the need for parenting coordinators to have experience devalues their work and, when compared to the Post-MESP mediation requirements, reflects a view that custody and parenting issues as either less important, less complex or less challenging than financial issues. Nothing could be further from the truth. The absence of an experience requirement, the non-roster provisions of the Guidelines, and the AOC's promotion of non-roster parenting coordinator appointments suggest the misinformed view that pretty much anyone can do this work with minimal or no skills or competence.

An Important First Step

Thanks to the efforts of many lawyers and mental health professionals over the past two decades, New Jersey has made significant strides in codifying and clarifying the role of parenting coordinators. We have a court rule and, although it has its flaws, parents, lawyers and judges have a road map to follow and can hopefully have realistic expectations for what parenting coordinators can do.

For individuals seeking to be included on the Statewide Roster, a 16-hour training course is being developed and will be available in 2024. In the meantime, the Association of Family and Conciliation Courts offers a 16-hour basic parenting coordination course that meets the Statewide Roster requirements^{xxiii}.

ⁱ N.J.Ct.R.5:8D

ⁱⁱ Administrative Office of the Courts Directive #16-23, September 1, 2023, (hereafter “AOC Directive”) <https://www.njcourts.gov/courts/family>. The AOC Directive includes Parenting Coordinator Guidelines, a form of Order Appointing Parenting Coordinator, an Application for Admission to the Roster of Statewide Approved Parenting Coordinators, and a Roster of Statewide Parenting Coordinators Change/Update Form

ⁱⁱⁱ Final Report for 2009—2011, the New Jersey Supreme Court Family Law Practice Committee (“Practice Committee”)

^{iv} Family Practice Committee 2009-2011 Final Report, January 10, 2011.

^v Task Force on Parenting Coordination Report to the Family Law Executive Committee of the New Jersey State Bar Association Family Law Section, April 2021.

^{vi} R.5:8D.2.b

^{vii} R.5:8D(b)

^{viii} *Id.*

^{ix} R.5:8D(a)(1) and (2). This is because parenting coordinators assist parents in implementing plans, not creating them. Although the rule allows for the appointment of parenting coordinators pendente lite when there is a temporary custody/parenting plan in place, this creates additional challenges. Litigation polarizes parents and keeps them embroiled in conflict, while parenting coordination is intended to bring parents together, improve their communication and assist them in begin better co-parents. These competing interests can frustrate the effectiveness of parenting coordination.

^x AOC Directive, Guideline 4.

^{xi} *Id.*

^{xii} AOC Directive, Guidelines I and 2.B.2.

^{xiii} AOC Directive, Guideline 6.I.

^{xiv} For example, the AOC Guidelines and proposed form of order state that parties have the right to initiate ex parte communication with the parenting coordinator, provided the other party is notified simultaneously or as soon thereafter as possible. In practice, this is a bad idea. High conflict parents often have difficulty respecting boundaries and may inundate the parenting coordinator with calls and emails. Separate conversations with one parent, without prior notice to the other parent, result in suspicion and engender mistrust in the process. The parenting coordinator must be able to determine and manage communication with the parents, and this should be stated in the order of appointment.

^{xv} AOC Directive, Guideline 2.B.1.c

^{xvi} It remains to be seen whether parties can consent to an order providing that the parenting coordinator’s recommendations will not be binding.

^{xvii} This sentence was inappropriate for two reasons. First, the court cannot presume that someone who takes on the role of a parenting coordinator is not charging for their services. Second, experienced family law attorneys and experienced mental health professionals do not have to be on the roster to be appointed (if the parties request). Those professionals clearly will charge for their services. After receiving a complaint that this was inappropriate because the court website cannot dictate whether people charge for their services, the sentence was deleted.

^{xviii} “Guidelines for Parenting Coordination” Association of Family and Conciliation Courts, 2019, at page 5.

www.afccnet.org

^{xix} “Parenting Coordination – A Child Centred Approach,” International Centre for Children and Family Law, www.iccfl.org

^{xx} “Guidelines for the Practice of Parenting Coordination,” American Psychological Association, Guideline 3 www.apa.org/practice/guidelines/parenting-coordination

^{xxi} *Id.*

^{xxii} See Criteria for Admission to the Roster of Mediators for Economic Aspects of Family Law Cases (njcourts.gov)

^{xxiii} <https://www.afccnet.org>

PARENTING COORDINATOR RETAINER AGREEMENT

_____ and _____ (each hereinafter referred to as “I” or “me: or “my” or “the parties” or “the parents”) hereby agree to retain Amy Wechsler to serve as Parenting Coordinator in the matter of _____ v _____, Docket No. FM-_____.

1. **Role of Parenting Coordinator:** The Parenting Coordinator shall serve in a directive role to resolve conflicts related to parenting issues. The Parenting Coordinator’s goal is to aid the parties in monitoring and implementing the existing parenting plan, reducing misunderstandings, clarifying priorities, exploring possibilities for compromise and developing methods of communication to promote cooperation in parenting. The Parenting Coordinator does not function as a therapist, counselor, attorney, mediator, custody evaluator, or advocate for the parties, children, or family, although the Parenting Coordinator may attempt to facilitate communication and agreement whenever possible.

2. **No Confidentiality:** All communications from me and/or my lawyer to the Parenting Coordinator and/or from the Parenting Coordinator to me and/or my lawyers shall not be deemed confidential, but rather shall be admissible in evidence, under New Jersey Rules of Evidence and Rules of Court. I understand that this same non-confidentiality rule applies to the other party and his/her attorney as well.

3. **Recommendations:** The Parenting Coordinator will make recommendations to the parties in writing. These recommendations will be binding unless a party objects and files a timely motion or order to show cause. The Parenting Coordinator’s report/recommendations and any attached documents may accompany either party’s application to the Court, and may be admissible in evidence in any Court proceedings that may follow. The Court may assess counsel fees pursuant to the Rules in connection with such application. The parents shall provide notice to the Parenting Coordinator of any application to the Court related to custody or parenting time, including requests for relief on an emergent basis.

4. **Sources of Information:** I will provide to Ms. Wechsler all requested information including the signing of all releases requested for collateral contacts. The Parenting Coordinator is authorized to have contact with any professional or other individual she deems necessary to perform the duties as Parenting Coordinator (e.g., the children, therapists, physicians, childcare providers, teachers, family members, etc.).

5. **Scope:** The Parenting Coordinator is authorized to make recommendations about issues, which may include, but are not limited to, those that are listed in the order of appointment.

6. **Protocol:** The Parenting Coordinator shall determine the protocol of all communications, interviews, and sessions including who shall or may attend the meetings, and whether meetings must be in person, by telephone, or virtual.

7. **Communication:** The parties have the right to initiate or receive oral one-sided communication with the Parenting Coordinator, *solely* at the Parenting Coordinator's discretion, and the fact of such communication shall first be made known to the other party. If I communicate

in writing with the Parenting Coordinator, I will provide copies of such written communication to the other party simultaneously, unless the Parenting Coordinator determines otherwise, in which event I understand she will determine the means by which she will communicate its contents to the other parent. If there is an active Domestic Violence Restraining order or civil restrains in effect that prohibit either party from contacting the other, communication will be directed to the Parenting Coordinator who, in her discretion, will determine how the information will be communicated to the other party. Copies of any documents, tape recordings or other electronic material that one party gives to the Parenting Coordinator must also be given to the other party. Contact between the attorneys and the Parenting Coordinator may be in writing, by telephone, virtual, or in person and may be *ex parte* at the Parenting Coordinator's discretion.

Neither parent shall expect the Parenting Coordinator to respond to calls or emails outside of normal business hours. Normal business hours are weekdays Monday – Friday, 8:30 a.m. – 5:30 p.m. Parenting Coordination is intended to be non-emergent work. Appointments are to be made to resolve any disputes and it is up to the partents to anticipate issues and the need for appointments. Lack of planning and communication by the parties does not constitute an emergency.

Nevertheless, if an emergency situation arises that could not reasonably have been anticipated by either parent and it will adversely affect a child, the Parenting Coordinator, at her sole discretion and depending on her availability, may make a recommendation with input from both parents, either with both parents present or on a conference/Zoom call or phone call or via email to/from both parents. This does not create an obligation on the part of the Parenting Coordinator to address issues on an emergent or last-minute basis. No joint meetings or calls will take place if there is an active Domestic Violence Restraining order or civil restrains in effect unless the order specifically permits such contact.

8. **Meetings with the Parenting Coordinator:** The Parenting Coordinator may meet with the parties, the child(ren) and significant others jointly or separately (unless prohibited by an active Domestic Violence Restraining order or civil restraints prohibiting joint meetings), at her discretion. Meetings may be in person, via telephone or virtual technology. Either parent may contact the Parenting Coordinator to schedule meetings, which may also be scheduled at the request of the Parenting Coordinator. If I request a meeting with the Parenting Coordinator, I will do so in writing (with a simultaneous copy sent to the other parent unless this is prohibited by an active Domestic Violence Restraining order or civil restraints), and will include an agenda of issues or disputes I wish the Parenting Coordinator to resolve, with a copy to the other parent. In no event will I tape or record any Parenting Coordination meetings or calls, or have any third parties present during meetings, without the express consent of the Parenting Coordinator.

9. **Testimony:** All court appearances, depositions, conferences or other appearances at which the Parenting Coordinator is called to testify or make a report or otherwise participate in connection with these proceedings or other proceedings involving any or all of the participants in this proceeding, as well as preparation, review of materials and travel time in connection with being called to testify or appear, shall be paid at the Parenting Coordinator's hourly rate, which currently is \$_____, and payment of the estimated amount required shall be paid no later than 48 hours prior to testifying/appearing, and shall be paid by the parent who seeks to have the Parenting

Coordinator appear, or, if the court requests the appearance of the Parenting Coordinator, the parties must pay .

10. **Termination:** The Parenting Coordinator may withdraw from service at any time, upon ten (10) days notice to the parties (and the Court if appointment is pendente lite and was not by consent of the parties), if she determines resignation to be in the best interests of the children or she is unable to continue serving the parties, or if one of the parties fails to comply with the terms of the order of appointment and/or this retainer agreement. A party having a complaint or grievance shall discuss the matter with the Parenting Coordinator in an attempt to resolve it before pursuing it in any other manner. If the issue remains unresolved, the aggrieved party shall submit a written letter detailing the complaint or grievance to the Parenting Coordinator with a copy to the other party, both attorneys (if any), and to the attorney or guardian ad litem for the child if one is in place. The Parenting Coordinator shall within thirty (30) days provide a written response to both parties and the attorneys. The Parenting Coordinator at his/her discretion may schedule a meeting or conference call with the attorneys or with the attorneys and the parties in an effort to resolve the complaint. In situations where the grievance or complaint is not resolved by this process, the dissatisfied party may apply to the Court, on notice to the Parenting Coordinator, to address and resolve the issues that have been raised or to terminate the Parenting Coordinator's services.

11. **Report to the Court:** The parenting coordinator does not communicate with the court, unless both parties agree or the court orders. Upon request of the Court and on notice to both parties, the Parenting Coordinator shall report to the Court and all parties any needs for the children's therapy or Plaintiff's/Defendant's therapy, the recalcitrance of either party, recommendations on the issues set forth in the order of appointment, or other matters deemed relevant to a decision by the Court. The Parenting Coordinator shall be paid at her hourly rate, which currently is 380/hour, for all time she spends preparing such report.

12. **Fees and Retainer:** I will compensate the Parenting Coordinator at the hourly rate of \$ _____. I will promptly pay to the Parenting Coordinator my share of the joint retainer of \$ _____ (_____ % from Parent A/ _____ % from Parent B), and understand this must be paid before Ms. Wechsler will begin serving as Parenting Coordinator. I will pay the above share of the Parenting Coordinator's fees, although I may apply to the Court for a different allocation, and, in the event I make such application, I understand that the Parenting Coordinator may submit findings and recommendations concerning this issue. My retainer, and any other fees I pay to the Parenting Coordinator will be charged at the rate of \$ _____ per hour, for all services she provides, including, but not limited to, communication with the court, counsel or the parties with respect to initiating this assignment, review of documents and correspondence or other communications, meetings with the parties, the children or any other persons, court appearances, court conferences, preparation for court or other appearances, travel time to and from any meetings, preparing reports, correspondence or other documents, research, e-mail, telephone contact, in-person meetings, and any other services the Parenting Coordinator deems necessary to the performance of her role. I understand that the Parenting Coordinator's time will be billed in increments of 1/10th of an hour (\$ ____). My retainer will also be used for any disbursements, including, but not limited to, federal express, messenger services, duplicating costs for copies made by outside companies, on-line research for which there is a specific cost charged to the Parenting Coordinator by other entities.

I further understand that the Lawrence Law firm charges a 2½ % fee for credit card payments.

If at any time the amount of the retainer in the trust account is less than \$500, I shall replenish my share of the original retainer amount. If the retainer is not replenished within 30 days, this will serve as a basis for Ms. Wechsler to withdraw as the Parenting Coordinator. Any part of my retainer not actually used will be refunded at the conclusion of this assignment. If I have any questions about any billing statement or about the services which have been rendered, I have been advised to please call the office when I receive the billing statement in question. Any returned checks are subject to a \$25 administrative fee in addition to bank fees.

Monthly bills setting forth the time and services provided by the Parenting Coordinator will be sent to me. If I have a question about a bill, I agree to raise it with the Parenting Coordinator's office within twenty (20) days of my receipt of the bill.

Advance notice is required to cancel an appointment with the Parenting Coordinator. I understand and agree that if I cancel less than 24 hours before the stated appointment time, the Parenting Coordinator will bill for the appointment, for a 1-hour session, and I will be responsible for the entire payment. I further understand that, if an appointment is scheduled for both parents, and one parent does not appear, the parent who fails to appear will be responsible to pay for the appointment, for a 1-hour session.

I will immediately send the Parenting Coordinator any documents I deem relevant to her role or that she specifically requests. These include, but are not limited to, all court orders that have been signed that relate to parenting issues, the final judgment of divorce or final judgment fixing custody, all signed agreements relating to parenting issues, copies of any evaluations or reports rendered by any mental health professional, guardian ad litem, educational professional/institution or any agency relating to parenting issues, and the names, addresses and telephone numbers of all mental health professionals who have treated or evaluated the children and either or both parents.

I have indicated my assent to the terms of this agreement by signing below.

Very truly yours,

Print Name:

My signature on this page indicates that I have read the provisions of this Agreement and agree to them.

(Date)

(Date)

PARENTING COORDINATOR SERVICES AGREEMENT

(rev. September 2025)

We, _____ and _____, enter into this agreement with Bruce P. Matez, Esquire of Weir LLP, to serve as a Parenting Coordinator (hereinafter “PC”) for us (hereinafter “us” or “the parents”) and our child/ren. We agree that this agreement shall serve as a binding contract.

1. We understand that Parenting Coordination is a process of alternative dispute resolution. We understand that Parenting Coordination is NOT mediation or arbitration and is, therefore, not governed by the statutes, rules and cases relating to mediation and arbitration. We further understand that the PC is bound by the New Jersey Court Rules governing Parenting Coordinators and subject to the directives and PC guidelines promulgated by the Administrative Office of the Courts in New Jersey (hereinafter “AOC”).

2. We understand that it is in our child/ren’s best interest when parents do not engage in conflict. To that end, **we will attempt to resolve our issues in a mutually satisfactory manner between ourselves whenever possible.** If issues cannot be resolved between us, either one of us may request the assistance of the PC who shall first engage in a process to help us resolve disputes between. The PC will seek to facilitate decision-making between us and help us reach mutual consent as to an issue(s) in dispute. The PC will provide guidance and direction to us with the primary focus on our child(ren)’s best interests, by reducing conflict and fostering sound decisions that will aid positive child development.

3. If efforts at mutually resolving a dispute are unsuccessful, the PC will render a written recommendation (via e-mail), based upon the disclosures that were made in the process. The overriding concern in the resolution of all issues is the best interests of the child(ren). Pursuant to the order entered by the court and the directives promulgated by the AOC, the recommendation(s) of the PC shall be binding on us until the objecting parent files a motion with the Family Court and obtains an order from the court terminating, modifying, or altering the PC’s recommendation(s). A parent objecting to the PC’s recommendation has an affirmative obligation to comply with all recommendations unless and until he/she obtains an order from the court terminating or modifying the recommendation(s).

4. The PC’s goals are:

- a. to aid us in monitoring and effectuating our existing parenting plan,
- b. to reduce misunderstandings and miscommunication between us,
- c. to reduce the amount of litigation over daily parenting issues and disputes,
- d. to clarify priorities of us and those of our children,
- e. to explore possibilities for compromise with us,
- f. to help us develop methods of communication that promote collaboration and cooperation in parenting.

5. The scope of the PCs authority and responsibilities are set forth in the Order Appointing Parenting Coordinator and also include the following:

a. Creating approaches to carrying out a parenting plan that reduces the conflict between the parents,

b. Monitoring any parenting plan or time-sharing schedule and helping resolve the parent's disputes concerning the plan or schedule of parenting issues,

c. Teaching communication skills, principles of child development and issues facing children when their parents no longer live together,

d. Writing detailed guidelines or rules for communication between the parents and practicing those guidelines or rules with the parents, if necessary. If parenting skills are lacking, the parenting coordinator will work with one or both parents to teach those skills or refer to an outside resource,

e. Modifying a parenting plan or parenting schedule when the parents agree to the modification,

f. Deciding how a particular element of a parenting plan or parenting schedule will be implemented including without limitation the frequency and length of parenting time, temporary changes in the parenting plan, holiday or vacation planning, logistics of pick up and drop off, suitability of accommodations and issues dealing with the stepparents and significant others,

g. Working with both parents to update and fine tune their parenting schedule as children's need change.

h. Helping the parents work together for the benefit of their children and minimize the conflict to which the children are exposed by continuing hostilities between the parents.

6. Financial matters **will not** be addressed by the PC. The PC's scope of authority is limited to parenting issues related to the children.

7. The parties agree to allow the PC to address the following disputes in addition to those that are set forth in the court order:

8. The PC is not the ally of either parent or a neutral mediator.

9. Assistance provided by the PC is **not** intended to be a crisis service and the PC should not be contacted outside of normal working hours. Issues will be brought to the attention of the PC during regular business hours (M – F, 8:30 a.m. to 5:00 p.m.). The parents may email the PC during off hours however the PC will not be obligated to respond during off hours unless the PC, in his sole discretion, deems the issue to be emergent.

10. The PC will educate both parents about the sources of their conflict and its effect on the children and will work with each parent to accept the relevance of the other parent in their children's lives. Each parent should direct any disagreements regarding parenting to the PC. The PC will work with both parents to resolve the conflict and, if necessary, will make a recommendation to the parents' counsel and, if appropriate, to the Court.

11. The PC may meet and interview the child(ren) with the express written consent of the parents/legal guardians or by court order **IF** the PC believes that this will aid in issuing appropriate recommendations.

13. Copies of any documents, recordings, or electronic material that one party provides to the PC must be provided to the other party or to his/her attorney, unless the Parenting Coordinator determines otherwise.

14. The PC shall determine whether appointments with us will be joint or separate, by telephone, Zoom, other virtual (video conference) platform, or in person. Appointments may be scheduled at the request of either parent or the PC, however, the PC will decide when appointments are necessary. All parents agree to make a good faith effort to be available when contacts and appointments are requested. Attached are guidelines for Zoom or other video conferencing platforms.

15. No video or audio recording shall be made of any meetings between the PC and a parent, both parents, or third persons whether in person, virtual (i.e. Zoom, Facetime, Microsoft Teams, Bluejeans, etc.), or by telephone. Photographs and/or screen shots shall not be taken by any party or participant without consent of all participants and the PC.

16. **The PC's work with our family is not confidential.** Subject to paragraph 6 of the Order Appointing Parenting Coordinator, all communications from/to the parents and/or their lawyers and/or from third party collateral contacts to/from the PC, are **NOT** confidential and shall be admissible in evidence, except that the PC has the discretion to keep any communications he has with the children confidential. He may share any information between us at his discretion. The PC is required disclose/report the following information: (a) when he has a reasonable suspicion that a child may be subject to abuse or neglect, (b) that either of us or another person may be subject to bodily harm, or (c) if he learns that either of us is committing or intends to commit a felony. This does not apply to privileged information.

17. This agreement cannot cover all particulars that may arise in every situation. The parents agree that the PC may need to establish new rules and guidelines to fit our unique relationship. The fundamental principles governing all rules and guidelines are (a) conflict for

the parents will be minimized and (b) decisions will be made in the best interests of the children. The PC will make every good faith effort to contain the costs to the parents.

18. The PC may require the parents to participate in a co-parenting Workshop or other co-parenting counseling/training which must be approved by the PC. The PC may suspend or terminate services if one or both parents fail to comply with such a recommendation.

19. **Litigation Privilege/Immunity:** In all actions involving this case and family, the PC will be engaged in a quasi-judicial role and shall be entitled to absolute immunity from civil liability similar to that of an expert witness or arbitrator. The legal duty owed by the PC is to the court alone. The parents hereto hereby release all claims against the PC that may arise out of the PC's services. In the event a party files suit against the PC, the filing party shall indemnify and hold the PC harmless and will be responsible to reimburse the PC for any legal fees and costs incurred by him in defending said lawsuit.

FEE ARRANGEMENTS:

1) We agree to pay the PC at the rate of \$400.00 an hour to include but not be limited to time spent reviewing documents, participating in interviews, phone conferences, video conferences, telephone, mail or electronic communications with attorneys, parents or necessary third parties, travel, deliberation of issues, review of notes and communications, and the drafting, preparation, and issuance of recommendations. We will each be responsible for 50% of the fees charged. The PC does not have the authority to reallocate fees.

2) Upon the signing of this agreement, the PC shall be paid a retainer of \$8,000.00 (\$4,000 each). The PC will provide via email monthly invoices which will set forth the time expended by the PC, the resulting fees, any expenses incurred, and funds disbursed from your retainer. By signing this agreement, you authorize Weir LLP, and/or Bruce P. Matez, Esquire to transfer earned fees directly from the firm's trust account upon the e-mailing of an invoice to you. When the retainer balance falls below \$400.00, the PC may request a further retainer which shall be paid immediately, or the PC's services will be suspended. At the end of the Parenting Coordination process, any amounts remaining in the retainer account shall be returned to the parents in proportion to the amounts they paid.

3) We understand that if an interview or joint meeting is cancelled with less than 24 hours-notice, the PC will charge a fee commensurate with the amount of time scheduled for that appointment.

4) **PAY DISPUTES:** If he has not been paid timely in accordance with the terms set forth herein, the PC may send a letter to the court detailing the lack of payment and may terminate his services. In such situations, the court will attempt to resolve the nonpayment. The court may issue an Order to Show Cause *sua sponte* as to why the PC's balance due should not be paid in full. If either parent insists on meeting separately with the Parent Coordinator and such meeting was not requested by the Parent Coordinator, he or she shall pay for their separate sessions 100%.

I have read the above contract and have had the opportunity to discuss it with my attorney if I so wished. I enter into this contract with the full understanding that if we cannot resolve conflicts between ourselves with the assistance of the PC, the PC, Bruce P. Matez, will have the right to make recommendations that will affect me and my child(ren).

_____ (signature)

Date: _____

_____ (signature)

Date: _____

Bruce P. Matez, Parenting Coordinator

This page intentionally left blank

PARENTING COORDINATION
INITIAL MEETINGS WITH PARENTS

(Bruce Matez)

Ask about preferred pronouns

Inform parent about BPM note taking

IF VIRTUAL- confirm no third parties are in the room or listening

Review order

Review professional agreement and confirm agreement to proceed

Review parents understanding of the PC process

Explain differences between PC/Mediator/psychologist/therapist

Confidentiality

Communication with PC

Explain team building and need for info from other sources

Secure releases (if appropriate)

Rules of engagement

Questions of the parents re PC process

Have you participated in any co-parenting counseling?

Are you seeing an individual therapist or counselor?

Current residence and living situation (others living in home?)

Children

Names

Ages

School info

Sports/activities

Special needs/information

Tell me more about your children.

Current custody and parenting arrangement

Employment

History of relationship between parents

Identify the parenting disputes/issues

Goals

Tell me something good/nice about the other parent
3 positive parenting attributes

Set priorities for addressing disputes

Sharon Ryan Montgomery, Psy.D.

Licensed Psychologist – NJ License #1931

20 Community Place

Morristown, NJ 07960

Tel: 973-285-0579

Affiliate

Dennis J Shaning, Ph.D.

Licensed Psychologist

NJ License #1926

Affiliate

Tamson Thorpe, Ph.D.

Licensed Psychologist

NJ License #3826

Constructive communication between divorcing and divorced parents can be difficult and problematic, but is it the cornerstone of effective co-parenting, so crucial to the well-being of children. To avoid children being exposed to angry or hostile communication via telephone conversations or face to face contact between the parents, professionals and the courts frequently recommend the utilization of electronic communication only. It has, however, been Dr. Montgomery's experience, as well as other professionals, that much email communication in particular can become the vehicle for excessive venting of emotions; primarily negative and angry ones. These emotionally loaded emails typically solicit responses in kind, and only serve to increase the bitterness and anger between co-parents. The following guidelines for the writing of email, text messages, etc. are recommended to promote better co-parenting communication, lower hostility and in turn, improve the well-being of children of divorced families.

Guidelines:

1. All email should be brief and in outline form using least amount of words, preferably under 20 words.
2. Email should be child-focused only – not personal, historical or about divorce or personal character.
3. Email should be only factual, not venting, criticizing or lecturing the other parent. Non-derogatory, no profanity, labeling or diagnosing.
4. Email should be a sharing of current or future child related information, not for a rehashing of history or past events/behaviors.
5. Email should be responded to within 24 hours.

LETTER TO PC CLIENTS RE UPCOMING HOLIDAY SCHEDULING
(Alex Coglianese, Esq.)

Dear ABC and XYZ:

As summer concludes and the school year commences, the holiday season will be upon us in short order. If you have not already done so, I am requesting that you each review your holiday schedule, confirm holiday plans with your co-parent, inclusive of exchange times and travel schedules if applicable. If there are any issues with regard to the holiday schedule, children's days off from school, or the like, for which a recommendation will be sought, I am requesting that all such recommendations be brought to me by XYZ date so that we have ample ability to review the scheduling issues, and if necessary, a recommendation as to same can be issued.

The religious holidays, Halloween, Thanksgiving, Christmas Eve/Day, New Year's and any other year end observances/holidays, which either of you may celebrate, are all known dates at this time, and as such, there should be nothing that prohibits the confirmation, or tying up of, open-ended issues or concerns regarding same at this time. While these issues can be brought to me at a later juncture, I want you both to understand that timely responses may not be able to be issued, and as such, your holiday plans may be affected in the event of disagreement. To that end, I am asking that you each provide me, no later than ENTER DATE HERE, with:

1. Confirmation from each of you that the holidays, through December 31st, are confirmed and agreed upon; or
2. An email identifying holiday(s) issue(s) for which recommendation(s) is/are being sought.

If we need to schedule a joint Zoom meeting to review any holiday issues, I am more than happy to do so, and would ask that we arrange to schedule same no later than XYZ date so as to allow for time to address the outstanding issues, and for me to issue a recommendation as may be necessary.

Thank you for your cooperation and anticipated prompt attention hereto.

Alex



Alexandra M. Coglianese, Esq.

2 University Plaza Drive

Suite 312

Hackensack, New Jersey 07601

Phone – (201) 488-2141 – ext. 106

Facsimile – (201) 487-1257

Electronic mail – acoglianese@bremerbucknerlaw.com

THIS MESSAGE AND ANY ATTACHMENT IS CONFIDENTIAL, INTENDED ONLY FOR THE PERSON(S) NAMED ABOVE, AND MAY ALSO BE PRIVILEGED. ANY USE, DISTRIBUTION, COPYING OR DISCLOSURE BY ANY OTHER PERSON IS STRICTLY PROHIBITED. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE NOTIFY US IMMEDIATELY BY E-MAIL AND DELETE THE ORIGINAL MESSAGE.

AB (Mom) and CD (Dad) Parenting Coordination July 19, 2023 Summary and Recommendations

We discussed the following issues:

1. Communication during Mom's Vacation Next Week.

Mom and the girls will be in Colorado next week. Because of the time difference (2 hours), the time for Dad's calls may have to be slightly adjusted on one or more of the days, and the parents are making sure that Dad has his calls every day. Mom is checking the schedule of events and commitments they will have and is letting Dad know if, on any of the days, she will need to adjust the time. Mom was to provide this to Dad in the evening after we had our session.

2. Frequency of Showering

Dad believes the girls should shower every day, not only if they have been engaged in sports, or spent time in a chlorine pool, on the beach, in the ocean, etc. If they have gone into stores or the homes of other people during the day, he thinks they need to shower. Dad believes both parents should be telling the girls the same thing about showering.

Mom does not agree that showering every day is necessary for the girls at their ages. When they have sports, are sweaty from activities, have been in the ocean, etc., then she agrees showers are a must. Showering 2-3 times per week is sufficient unless they are involved in activities that get them dirty, sweaty, etc. If they are shopping, staying home, or visiting others, they do not need to shower every day. She objects to Dad dictating what she does in her own home.

Recommendation: Neither parent is acting irresponsibly or negligently regarding the girls' hygiene. While their standards are not identical, they are both appropriate given the children's ages. Both parents do not need to have the exact same rules in their respective homes. It's fine if, in Dad's home, he has the girls shower every day. It is also fine if, in Mom's home, she lets the girls skip a shower depending on their day time activities, as noted above.

Neither parent should be questioning the children about how often they are showering/bathing at the other parent's home.

3. Texting.

We have addressed this previously, as discussed in the summary of our July 7 meeting.

Recommendation: The girls can text with a parent when they are permitted screen time and texting at the other parent's home. It is up to each parent, in their own home, to determine when and for how much time the girls can use their ipads. The parent who receives the text can respond,

and should keep their responding text brief and limited so these are not on-going lengthy conversations. If the girls send a selfie or screen shot, the parent can send one in response. These are brief and initiated only by the children (not the parent), as they will have an opportunity to speak to each other that evening. I provided language for you so that both parents will provide the same explanation to the girls about how texting will be handled.

4. Swimming Lessons

It appears that the parents agree to have the girls go to the YMCA for swimming lessons. These should begin as soon as possible after Mom returns from vacation. As long as the parents agree to this, I do not see a need for me to make a recommendation.

5. Our Family Wizard

Dad is not comfortable with lots of apps and thinks the parents can communicate without OFW. He questioned how they would convey emails from third parties (coaches, school, etc.) to the other parent. Also, they already have a shared calendar, so they do not need OFW for maintaining schedules.

Mom would like to give OFW a try for non-emergent matters. The parents have conversations, which will be maintained on the app, and in this way she can avoid receiving multiple emails during the day while she is at work, which is disruptive to her job.

I explained to Dad that, if either parent receives an email that was not sent to the other parent and it involves the children, they will still forward that email to the other parent. This is not something that would be conveyed via OFW.

Dr. W (co-parenting therapist) has recommended that the parents utilize OFW.

Recommendation:

The parents should both sign up for OFW as soon as possible and give the app a reasonable and good faith try for the next several months.

6. Cell Phone

I spoke individually with each of you, and you have both agreed that S will not get a phone at this time. Mom originally wanted this because of difficulties staying in communication with the girls when they were with Dad. Dad was originally in favor of getting S a phone, but has done some research, talked to other parents, and has changed his mind. Based on how we have addressed these communication issues together, Mom is no longer advocating for the cell phone. So, at this juncture – no cell phone for Sienna. The parents will explain to S that they both have

given this a lot of thought and they agree that she does not need a phone at this point. Based on this agreement, I do not need to make a recommendation on the issue.

7. Frequency of Co-Parenting Sessions with Dr. W

Dad had asked to meet weekly with Dr. W because he believes the sessions are helpful. Mom had asked to have these every other week for two reasons: 1 - the cost and 2 – she has found that the sessions can be emotionally draining, which makes it difficult for her to immediately get back to work afterwards. The parents' session before our meeting was apparently more positive and both parents were calm and in a good place.

Recommendation: I recommended, and the parents agreed, that for a period of two months (beginning after Mom returns from vacation), they will schedule weekly sessions with Dr. W. This is for a limited period as I expect they will make progress in that time, and be able to put into practice what they learn working with him without the necessity of going every week for an indefinite period of time. At the end of the two months, we can revisit this if necessary.

8. Dad' Lost Time with the Children Due to a Work Emergency

Last Friday, Dad had an emergency at work. He was scheduled to start vacation with the girls that day, but he had to handle the emergency and could not be with them. He asked Mom if she would handle getting them to camp, which she did, and the girls spent the day at camp. Dad is asking that Mom forfeit six hours of her parenting time because he lost that amount of time with them on Friday.

Mom does not agree that Dad should have make-up time. Like Dad, she did not have the girls for the day because she, too, was working. Had she spent the day with them, she could understand Dad's request that she give him an equivalent amount of time, but that is not what happened.

Recommendation: Mom does not owe Dad make-up time. This is no different from a situation in which the girls might be with Mom on the weekend, but Mom has a work emergency and has to leave the girls with a sitter or other caretaker, and not with Dad. Dad would not owe her any make-up time. As we discussed, if Mom had not gone to work on Friday, and instead spent the day with the girls, there would be a stronger argument for her to give Dad a like amount of time from one of her parenting days. But, as noted, neither parent was able to spend the day with them.

This page intentionally left blank

**A/J FAMILY
RECOMMENDATIONS OF PARENTING COORDINATOR**

TO: MOTHER A AND MOTHER J

FROM: Bruce P. Matez, Esquire, Parenting Coordinator

Date:

During our joint Zoom meeting on October 30th Mother A and Mother J agreed to the following:

1. Daily phone calls were discussed and clarified and will continue to be scheduled as per paragraph 16 of the marital settlement agreement.
2. The Summer schedule was clarified. Pursuant to the marital settlement agreement, the alternating weeks will commence on the Sunday after the last day of school. Mother J will have parenting time the first week starting the first Sunday after the last day of school. Pursuant to the marital settlement agreement, the last day of the alternating summer week on/week off schedule is the Sunday of Labor Day weekend. The end of the Labor Day holiday starts Week 1 of the regular parenting schedule each September.
3. If there is an emergency Involving the children, the parent with the child will call or text the other parent as soon as is practicably possible.
4. Mother A asked about the children's before and after school care. Mother J confirmed that she leaves the house at about 6:20AM and JT, who is 15, takes the other children to school where they are in before school care, or JT takes them directly to school. After school, if they have no activities, they walk home the 2/10s of a mile and are at the home for less than one hour until M, JR, or Mother J arrives at the home. Mother J calls to touch base with them after school.
5. The parents confirmed that Annette takes Jason and Greg to therapy.
6. On her parenting days, Mother A confirmed that her brother, Ed, takes the children to school in the morning and cares for them after school.
7. The parents agreed to the following childcare providers:

Names inserted here.

They further agree that contact information (Cell phone numbers) for each of these will be put in Our Family Wizard and these individuals will be advised to notify both parents directly in the event of an emergency involving the children and to respond to either or both parents directly if there is an emergency or other urgent issue.
8. Communication will be limited to FACTS related to the children. There will be no commentary or opinions included in communications. Neither parent will comment on the other's parenting. Also, the parents will endeavor to communicate one issue A per email in Our Family Wizard.
9. All communications with the children's school and teachers will include both parents and they will try to assure that each person involved in those communications uses the "reply all" feature.
10. Greg will wear his Gizmo watch whenever he is not with a parent so that both parents have access to him.

**ISSUE: VACATION TIME WITH THE CHILDREN DURING THE SCHOOL YEAR
(SEPTEMBER THROUGH JUNE)**

PARENT'S POSITIONS:

Mother A- Vacation time in the summer, pursuant to the marital settlement agreement, cannot be during other parent's time. The agreement allows for other parenting time during the school year, but it is unclear. She asked Mother J to switch to allow her to take the children on a cruise over Spring Break this year. She offered to switch the NJEA convention week for Spring Break 2024. Mother J is not off from work when kids are off for Spring Break. Mother J told her she has plans for the kids and said no to the switch. She is limited when she can take vacation with the kids. Now she wants to take kids last week of January 27 to February 3, to take them on a cruise. They would miss 5 days of school. She also looked at President's Day weekend also, they would miss 4 days of school, but that is Mother J's holiday.

Mother J- Mother J advised that Mother A asked for NJEA week switch with Spring Break. Both are considered holidays. Her answer was no because she has plans to take the children for a long weekend during the last weekend of Spring Break. It is something special planned with other members of her family. She told Mother A she has plans. She did not give any further information. Mother J did not tell her about her plans. Mother J asked if Mother A needed her to still take kids for NJEA week and Mother A said yes. Apparently, Mother A is taking 10-day vacation. She is going Friday April 5th through Tuesday, April 9th and says the children will be back in time to attend school on the 9th. Spring Break is Friday, March 29th (Good Friday) through April 7th. Easter is on Sunday, and that is Mother J's holiday. Mother J indicated she would consider switching the Easter holiday this year for Easter next year if Mother A wanted to take a shorter cruise and have the children back by Thursday, April 4th.

Mother J does not think Mother A should take kids out of school for 5 days or even for 2 days.

Mother J also worried about Mother A paying for a cruise as she believes there are creditors who are after her, based on calls that she has received.

During our meeting on October 30th, Mother A agreed to consider taking the children on vacation from Good Friday (March 29th) to April 4th. Mother J indicated her belief that at most the children should miss 3 days of school per academic year for vacations (1 ½ days for each parent). Mother A believes it is appropriate for the children to vacation with their parents and miss up to 5 days of school if the vacation is an "educational experience." Mother A said she'd be willing to compromise at 3 days each per academic year.

The children are missing school for Mother J's vacation on Monday, April 8th. Mother J stated that her trip is an "educational experience" and a "family event." They will be returning on April 9th and Mother J says they'll attend school on that day.

RECOMMENDATION:

This issue is not addressed specifically in the parent's marital settlement agreement. The children are missing one day of school for Mother J's vacation, and according to Mother J, returning on April 9th and will be attending school. It would seem to me that the children will be quite tired from traveling on April 9th and unsure if they will get much out of school that day even if they attend. Since Mother J is keeping the children out of school for at least one day for her vacation, I think it is reasonable to allow Mother A to take the children out of school for two days during this academic school year (2023-2024) for her vacation with them.

In the future, I recommend each parent may take the children out of school for up to two (2) days per academic school year for vacation for a total of four (4) days of school missed for vacation time each year. The vacationing parent is responsible to assure that the children make-up and complete the schoolwork missed and to notify the school and teachers in advance. This recommendation is NOT permanent and is subject to change if the situation warrants.

RATIONALE:

The agreement clearly states that neither can take vacation time during the summer months, which interferes with the other's regular weekly parenting time. Each has the ability, therefore, to vacation with the children during her weekly summer parenting time. Paragraph 2A of the Vacation provisions of the MSA on page 18 specifically references the parents' ability to take up to two weeks of vacation time with the children each year. Since they can vacation on their own parenting time during the summer months, it seems logical and reasonable that the intent was to allow each parent to have up to two (2) vacation weeks with the children during the academic school year, September through June. There are certainly limits on such vacation time as the children are in school.

Both parents support the concept of the children missing school for an "educational vacation experience." Based on the level of discord between Mother A and Mother J, I don't know how they will agree on what is and is not an "educational vacation experience."

The Student Handbook for the Elementary School states:

The progressive nature of the curriculum requires the faculty to adjust lesson plans each day to meet the needs of the class; **therefore, please contact your child's teacher(s) to make arrangements for making up work.** Work may be given prior to the absence and/or when the student returns. Students are encouraged but not required to keep a journal to share with their peers when they return. Please notify the school prior to the vacation. ***Vacations are encouraged during scheduled school vacation periods.*** The valuable interactions and discussions missed when absent from the classroom cannot be replicated.

Also, if a child has cumulative unexcused absences exceeding ten, the school will make a mandatory referral to the court program required by the New Jersey Administrative Office of Courts.

Pursuant to the Middle School and High School Handbooks, a family vacation is an unexcused absence, and each child has a specific number of excused absences per year which are allowable.

Pursuant to the holiday schedule agreed upon, one parent has the NJEA Convention “week” and the other has Spring Break during the academic calendar year. This allows each to take a vacation with the children during an academic calendar year. This academic year, Mother A had NJEA week and Mother J has Spring Break. The school has provided vacation time for the children.

Mother J proposed the children can miss 1 ½ days of school per calendar year for each parent to vacation for a total of three (3) days. Mother A suggested five (5) days each but was willing to agree to three (3) days each, which would mean six (6) days each year total. I believe, based on Mother A’s and Mother J’s positions, it is reasonable to allow the children a minimal amount of time this year to be missed for a family vacation. Considering the limitations on unexcused absences based on school policy, I do not find it reasonable for the children to miss more than four (4) days of school for family vacations in the future except in exceptional circumstances, such as traveling to attend a special family function like a wedding, religious event, etc. The parents can agree, however, to allow the children to miss school for vacation time in the future and that agreement should be mutual.

ISSUE: CO-PARENTING COUNSELING

Paragraph 6b of the marital settlement agreement on page 23 requires the parents to engage in co-parenting counseling and provides some other provisions. I recommend the parents contact and commence co-parenting counseling with Tricia Elliott, LPC in Cherry Hill. Her phone number is (609) 970-6098. I recommend each contact Tricia within ten (10) days of the date of this recommendation and that the co-parenting counseling commence no later than December 31, 2023.

If Tricia is unavailable, I will recommend other co-parenting counselors who are not local but will work with the parents remotely.

Mother J raised the following issues with me during a Zoom call on December 6th which she requested:

1. Gizmo watches
2. Daily phone calls
3. Taking children to their planned activities
4. Medication
5. Tone of communications

Mother A raised the following issue with me during a Zoom call on December 12th:

6. Purchase of school supplies and decision making for the children
7. Efforts by Mother J to belittle her as a mother with the children.
8. Daily phone calls-which phone is she to call?

I addressed a few issues other with Mother J on December 19th by phone. At that time, she also raised some additional issues with me.

ISSUE: DAILY PHONE CALLS

PARENT'S POSITIONS:

Mother J- Mother J did not get to speak to the children on Saturday, December 2nd. She called them at 7:01PM, 7:12PM and 7:22PM. At 7:24PM she got a text from Mother A “the boys will call you when we get home.” At 8:13PM or so, before the boys called, she got a text from Mother A “they will be calling now. Don’t make them feel bad for being out, they don’t deserve that.” A call then came to her from Mother A’s phone at that time. Mother J was out to dinner at the time and could not answer. At 9:49PM she got a text from Mother A, “I called twice, you didn’t answer.” Mother J says only one call was received from Mother A, not two. Mother J was not available to call later. The boys were asleep when she got home. She then advised that the Monday before (last Monday) Mother A called Caleb and Jason; Greg was in therapy at the time. She then called Greg at a different time. Mother J does not get that reciprocation from Mother A. She further stated that on Saturday, December 12th, Mother A texted her at 8:35am “something unexpected just came up. If you can pick a time between 2 and 5PM that would be best for the boys.” Mother J did not read that text until 5:15PM. Mother J says she sets aside specific times to read texts from Mother A and arranges her schedule around times she is scheduled to speak to the children.

Mother A- Mother A reported she had texted Mother J to let her know that the regular time would not work for the boys on Saturday, December 2nd, and offered her to pick another time in accordance with the agreement. She believes she followed the agreement. She and the boys made plans to attend a light show and hayride at the time the boys are supposed to call Mother J. She said this was not a common occurrence and the boys normally talk to Mother J every day.

Mother A also raised that she asked Mother J on September 6th what phone she should use to call the boys, “Selma” or Mother J’s cell phone, and Mother J has not responded. Mother J advised that “Selma” is the name she uses for the landline home phone.

RECOMMENDATION:

Mother J and Mother A are directed to their agreement, and it is recommended that they follow the terms of their agreement as strictly as possible. It is understood and contemplated in the agreement that there may be times when the scheduled calls conflict with other activities. Mother A did what she was supposed to do pursuant to the agreement, she offered Mother J an alternative time to speak to the children that day. Mother J did not read Mother A’s text until much later in the day when it was too late, although there was no explanation as to why Mother J did not contact Mother A at 5:15PM when she read her text from 8:35AM that morning to suggest other times to speak to them. I also do not find it troublesome in the least that once in a while both or either parent may miss speaking to the children a day here and a day there, as long as it is not consistently happening, THAT’S LIFE!

Quite frankly, I find Mother J raising this issue considering her failure to read Mother A’s message troublesome and histrionic. I do not expect this issue to be raised by either Mother A or Mother J again if it happens **occasionally**. If it happens consistently, it should be raised with me as an ongoing issue, and we will address it accordingly.

Mother A is to call Mother J’s cell for her daily phone calls. If Mother J does not pick up and answer, Mother A should wait a minimum of three (3) minutes and then she should call “Selma.” If Mother J still does not answer, Mother J will call back as soon as she is able. Mother A should not continue to try to call Mother J and the boys.

Mother J is likewise to only call twice, at least 3 minutes apart. If Mother A and the boys do not answer, she is to wait until Mother A and/or the boys call her.

Treat each other like you want to be treated. Be courteous, respectful, cooperative, and use the Golden Rule!

ISSUE: GIZMOS

PARENT'S POSITIONS:

Mother J- Mother J provided a good amount of history about the Gizmos dating back to prior to my involvement as parenting coordinator. Before I was involved as parenting coordinator, Greg's watch went missing. Then Greg used Jason's. Then Jason's went missing. As of the date of my prior recommendations, November 13th, both watches went missing. She purchased new ones for Jason and Greg. She sent messages to teachers and principal giving the phone numbers, and other caretakers. Then, all of a sudden, Jason's old watch came back online on Saturday, December 2nd. She got an announcement in Gizmo that the watch called Mother A. That watch was returned with the children on Monday to Mother J.

Caleb's original Gizmo is still missing. It has not been online since March 2023. Greg's old watch is still missing. Not online since prior to November 13th. The two new Gizmos are now being worn by Greg and Jason. Caleb is wearing Jason's old watch which came back online on December 2nd.

I inquired of Mother J what parenting recommendation she was seeking from me about the watches. She wanted me to address "the theft of the watches by Mother A." I explained that her request is not appropriate as it is not a parenting issue which I am authorized to address.

Mother A- Mother J purchased the Gizmos without any communication; they just showed up on the kids one day. Dr. Joseph was their expert at the time. The boys were talking and texting with Mother J during Mother A's parenting time, so she took them from the boys during her parenting time and returned them to Mother J when the boys went back to Mother J's home. She believes they were part of Mother J's plan to be able to communicate with kids at times other than those specified in their agreement. Mother J claims Caleb lost his when he was with Mother A. Greg's was lost. When Mother A picked up her stuff for Equitable Distribution last June at Mother J's, there was a watch charging at Mother J's. She thinks it was the one that was missing originally. Last weekend (December 2nd) she found a watch under a table in her home. She asked Jason where it came from. He said, "I don't know maybe it just showed up." She says Jason's watch was in Haddonfield last June and Jason brought it to her home this past weekend. She says the watch just showed up under the table. She says Mother J can track the IP addresses, but she cannot. Her house is neat and in order and they would be easily able to find it if it were in her home, which is the complete opposite of Mother J's home. Previously, a school chrome book was missing and later found in Mother J's home in Haddonfield. She asked if Mother J looked up IP address for the missing watches. When we spoke on December 12th, she advised that Greg was either not in school or is not wearing his watch. It shows he is at 748 Mt. Vernon at 8:50AM. If he is not at school, she did not get any communication that he is home sick, so she assumes he is in school not wearing the watch.

RECOMMENDATION:

The boys are to wear their Gizmos at all times. The parents are not to communicate with the boys at any times other than those designated in the agreement. The parents should each assure that each boy has his watch/Gizmo when leaving her home. If a child does not have his watch with him, the parent should immediately notify the other parent. I recommend that if a

child leaves his Gizmo watch behind, the parent who discovers that notifies the other parent as soon as is practicably possible. One call to the school should clear up if a child is absent or at school and there need not be any further calls or inquiries.

ISSUE: CHILDREN'S ACTIVITIES

PARENT'S POSITIONS:

Mother J- Mother A is not taking the boys to their activities. She chooses what to take them to and only ones that are convenient for her, mainly only to after-school activities because she is there. She is not taking them to the cub scout holiday bowling event on Thursday from 6PM-8PM at Pinsetters in Merchantville. Jason and Greg have therapy at 6PM on Thursday in Audubon. Mother J offered to pick up and take Caleb to Pinsetters and asked if Mother A would bring Greg and Jason after therapy; sent on Sunday morning. She said she got no response.

Mother A takes them to therapy. She only took Jason to 2 of 10 cheer events on her time including practice and games from September through November.

The boys are missing the Christmas pageant at church on December 17th from 9:45AM-11:30AM. Mother A said she has plans.

Mother J says she cannot enroll them in activities because Mother A doesn't take them. I asked what they want to be involved in that she is not able to enroll them in. She did not have an answer and said she will look into it. I explained I can only deal with the future; if there is an activity, she wants to enroll a child in and Mother A says she won't take the child, I can address it.

Mother A- Mother A got email from Mother J saying Caleb wanted to go to the Cub Scout Bowling event Mother J would take him. Mother A asked Caleb if he wanted to go. He said "no", she asked again next day, and he again repeated that he did not want to go.

As to cheer events, Mother A said she has no issue A taking Jason to cheer events or any of the boys to their activities. She said during one cheer event they had Halloween party at her home, so he didn't go. Another time he didn't want to go. She does not believe he only went 2 times. She knows he missed a couple of cheer events but does not believe he missed 8 out of 10. Jason voiced he is overtired and over scheduled. He wants down time. Mother J tries to bribe him with gift card to Passiareello's to get him to go to cheer events. Jason is involved in Mad Science Club, Science Olympiad, Cheer, and Cub Scouts. Mother A agreed to sign him up for cheer.

As to the Christmas Pageant, when she saw it was scheduled, Mother A emailed Mother J to advise that they already had tickets to ice skating and igloos at Harbaugh Village in Mullica Hill at 1PM that day. They have breakfast plans; they are going to Mr. Bills for breakfast as a family. The Christmas pageant is in West Philly.

RECOMMENDATION:

The Christmas Pageant occurs on Mother A's parenting time. Mother A has a right to make decisions as to how she and the boys will spend their time during her parenting time and Mother J has the right to make decisions as to how she and the boys will spend their time during her parenting time. If there was any sense of cooperation, co-parenting, mutual respect, and kindness, perhaps there could have been some compromise in which Mother J would pick up the boys at 9AM take them to the Christmas Pageant and get them back to Mother A in time for them to go to Harbaugh Village with Mother A for their plans. Unfortunately, that does not appear to be a possibility at this point.

The boys are to be taken to their extracurricular activities generally no matter which parent has parenting time with them. Maybe, with some co-parenting counseling, the parents will learn to work together to accomplish this. It is recognized and acceptable that they miss a practice or game on occasion due to a conflict. However, they should attend their activities regularly and in general. Extracurricular activities should be agreed upon by Mother A and Mother J. Neither has the authority to enroll the children in activities unilaterally without consultation and consent, especially if it impacts the other's parenting time; they have joint legal custody. It is too late to address the Cub Scout Bowling event.

The parents should communicate, consult with each other, and find some mutual common ground for enrolling the children in extracurricular activities. If they are unable to do so, this issue can be raised with me for a recommendation.

ISMOTHER A: MEDICATION**PARENT'S POSITIONS:**

Mother J- Jason had ear infection. Mother A took him to the doctor. She did not provide him with the medication he was prescribed from November 20th until the end of her parenting time in November. He was supposed to have it 2x's per day. They went away over Thanksgiving. He told Mother J he didn't get the medication when he was with Mother A. She did not ask Mother A if she gave Jason the medication. Mother J is taking him to doctor tonight because still has issue with his ear.

Mother A- Jason had an earache on Sunday. She gave him over-the-counter medication. On Monday she offered to take him to the doctor because Mother J was unable to do so. The doctor prescribed medication and she filled the prescription. He only took it once on Monday, at night, because that was the first day, otherwise he took it twice a day. He spilled some of it.

RECOMMENDATION:

Both parents should ensure that the children take medication as prescribed by doctors.

ISSUE: Purchase of school supplies and decision making for the children

Mother A says Mother J is making unilateral purchases and decisions for the children. I did not discuss this with Mother J. Mother A says she sent message to Mother J in OFW to address school supplies in July. Mother J bought school supplies without any communication and put the expenses in OFW. Mother J refuses to coparent. She selected counseling service on her own also, no communication. Mother A got calendar events for counseling sessions from Mother J. She is populating events during Mother A's parenting time that she is expecting Mother A to take the kids to, including counseling.

RECOMMENDATION:

The parents have joint legal custody. No decisions should be made for the children without consultation and consent including issue of spending. If the parents are unable to agree, I am authorized in the order to address such decisions.

ISSUE: HOW THE CHILDREN REFER TO THEIR PARENTS

Mother A asserts that Mother J calls her by her first name to the boys instead of "Mama A." Greg answered the phone call from Mother J one evening recently. Mother J asked him "where are you?" Greg said "Mother A's" house using her first name. When Greg was finished talking with Mother J "I asked him how Mama J refers to me. Greg said she uses my first name, not Mama A as was established since birth. I asked Caleb shortly after the call and he said she refers to me using my first name also not Mama A." In Greg's watch, she is listed by her first name, not Mama A; Mother J set it up that way. She is not saved as a contact on Jason's watch at all, but her brother is listed. She cannot edit their watches; doesn't have access. Mother J does not even refer to her as Mama A anymore, she refers to her by her first name only in front of kids.

Mother J says she calls Mother A "Mama A" 90% of the time and sometimes, around 10% of the time, refers to her by her first name to the boys. She says this is no different than it was when they were married, and Mother A has been referring to her also by her first name similarly.

RECOMMENDATION:

Each parent chose a name as a parent to the boys early in this marriage; Mother J is "Mama J", and Mother A is "Mama A." They both confirmed this. Those are the names that they are expected to use when referring to the other in front of the boys and to the boys 100% of the time. Any use of their first names is disrespectful, belittling, and undermines the other's parenthood. I expect this to stop immediately. If any of the boys refers to either parent by her first name and not by the names that were chosen for each parent, Mama J and Mama A, I recommend the present parent to correct the boys and remind them to respectfully refer to the other parent by her proper and chosen designation. I also recommend the parents to instruct others to utilize the proper name for the other parent when talking to the boys.

I recommend that the boys watches be modified to have each parent listed with the proper chosen designation, Mama J and Mama A within 48 hours of Mother J's receipt of this

recommendation and that any future references to either parent should utilize the correct chosen name.

ISSUE: COMMUNICATION

Mother A reports communication is at an all-time low. Mother J is also expressing frustration with their communication. Mother A recently threatened to call the police in a message at 8:33AM when she was supposed to pick up the boys at 8:30AM and Mother J and the boys were not at home. Mother J says they got home at 8:35AM.

Mother J raised that Mother A became overly histrionic one morning recently when Greg's Gizmo was pinging at the Haddonfield home, but he was supposed to be at school. She had not received a call from the school that he was home sick, nor from Mother J. Mother A then called and involved a number of other people unnecessarily inquiring about where he was. Mother J knew at 8:30AM that Greg had left his phone at home and was at school. I asked her if it would have made sense at that time to let Mother A know that information. Her answer to me was "I did at 11:30AM."

Mother J also raised that Mother A called her a liar in her OFW messages recently. I had a chance to review some of their communication on OFW and did notice that exchange before Mother J raised it with me.

RECOMMENDATION:

They previously agreed that "communication will be limited to FACTS related to the children. There should be no commentary or opinions included in communications. Neither parent should comment on the other's parenting. Also, the parents will endeavor to communicate one issue per email in Our Family Wizard." Change takes time and effort. I recommend they continue to attempt to employ the above rules, and no one threatens to call the police on the other. Neither should ever call the other a liar and I recommend that such name-calling and accusations cease immediately.

I recommend that Mother J and Mother A stop picking at each other and stop throwing darts at each other, recognize that each is a wonderful and fit parent, loves and cares for their children, and accept that each has a different style of parenting, not necessarily better or superior to the other, just different. I ask Mother J and Mother A: don't you want to have some peace in your lives, and don't you want your children to have peace in their lives? It is my hope that co-parenting counseling will help address the poor communication, animosity, and nastiness between Mother J and Mother A.

I find both Mother J and Mother A to be histrionic and overly sensitive to just about everything the other parent does. There is a lot of history and animosity between them, and it is quite clear that they not only do not like each other even a little bit, they are quite angry with each other, and they do not respect each other as parents.

This page intentionally left blank

Marcy Pasternak, Ph.D., P.A.

Clinical & Forensic Psychology

96 Joan Drive • Watchung, New Jersey 07069 [mailing address]

775 Mountain Blvd, Suite 19 • Watchung, New Jersey 07069 [office address]

N.J. License #35SI002011

APA-CPP Substance Use Disorders

NCC AP Masters Addiction Counselor

Phone (908) 769-7949

Fax (908) 753-4930

MEMORANDUM (SAMPLE)

Jones v. Jones

Docket No. FM-.....

May 7, 2024

The following Agreements were made between Mr. Jones and Ms. Jones during a joint Parenting Coordination session held on May 6, 2024:

- With regard to whether to enroll Johnny in the town 'Rec' soccer team or the club soccer Travel team, both parents agreed to enroll him in the town 'Rec' team this season, and have him try out for the club travel team for the fall.
- Both parents agreed that Ms. Jones would take her summer vacation with the children from July 5th through July 12th. Mr. Jones will take his summer vacation with the children on August 9th through August 16th.

The following Recommendations are being made by Dr. Pasternak subsequent to a Joint Parenting Coordination session held on May 6, 2024:

- With regard to the issue of Face Time calls between the children and the parent they are not with, it is recommended that there is one call daily prior to bedtime. This call may be made between 7:30 pm to 8:00 pm. This recommendation is being made as it has become too disruptive to the children to have a second call in the morning as they have difficulty getting ready for school on time and a morning call adds unnecessary stress for all involved.
- It is recommended that the transitions for the children start taking place at the McDonald's that is right off of the NJ Turnpike on Exit 8. Ms. Jones would prefer to leave the transitions at the parking lot of the _____ Police Department as she feels safer there, whereas Mr. Jones feels that the children would be more comfortable meeting inside McDonald's as they always eat there on the Friday of the weekend transitions anyway. The recommendation is made to meet at McDonald's, as it would be best for the children. It is a more relaxed atmosphere, they enjoy going there, and it is a busy public venue to help make Ms. Jones feel more comfortable. We will assess/monitor how this change is going, after one month of transitions.

This page intentionally left blank

**FAMILY
RECOMMENDATIONS OF PARENTING COORDINATOR**

TO:

FROM: Bruce P. Matez, Esquire, Parenting Coordinator

Date:

ISSUE:

PARENTS' POSITIONS:

AGREEMENT OF PARENTS:

RECOMMENDATION:

RATIONALE:

This page intentionally left blank

N.J.S.A. 9:2-4

The Legislature finds and declares that it is the public policy of this State to assure that the protection and welfare, both physically and emotionally, of minor children are held paramount. This can include, but is not limited to, continuing contact with both parents after the parents have separated or dissolved their marriage. Additionally, it is in the public interest to encourage parents to share the rights and responsibilities of child rearing, if that is in the best interest of the child, in order to effectuate the protection and welfare of minor children. The Legislature further finds and declares that it is the public policy of this State to ensure that decisions concerning child custody and parenting time are made on a case-by-case basis and that the expressed preferences of the child are considered. The Legislature recognizes that the safety of children is of paramount importance and is an integral element of the child's best interests. To that end, the Legislature finds and declares that judicial decisions regarding custody of, and access to, children shall promote the safety of children as a threshold issue. The Legislature also recognizes that children should also have their voices considered in contested custody cases and that any court-ordered therapy or treatment should be scientifically valid and have generally accepted proof of effectiveness and therapeutic value consistent with "Kayden's Law," a component of the federal Violence Against Women Act Reauthorization Act of 2022.

In any proceeding involving the custody of a minor child, the rights of both parents shall be equal and the court shall enter an order which may include:

- a. Joint custody of a minor child to both parents, which is comprised of legal custody or physical custody shall include: (1) provisions for residential arrangements so that a child shall reside either solely with one parent or alternatively with each parent in accordance with the needs of the parents and the child; and (2) provisions for consultation between the parents in making major decisions regarding the child's health, education and general welfare;
- b. Sole custody to one parent with appropriate parenting time for the noncustodial parent; or
- c. Any other custody arrangement as the court may determine to be in the best interests of the child. In making an award of custody, the court shall consider, but not be limited to, the following factors: the parents' ability to agree, communicate and cooperate in matters relating to the child; the parents' willingness to accept custody and any history of unwillingness to allow parenting time not based on substantiated abuse; the interaction and relationship of the child with the child's parents and siblings; the history of domestic violence and child abuse, if any; the safety of the child and the child's siblings, if any, and the safety of either parent from physical abuse by the other parent; the preference of the child when of sufficient age and capacity to reason so as to form an intelligent decision; the input and supporting documentation of a State licensed mental health professional, if any, providing private therapy or other services to the child to the extent allowed under the professional's State licensure; the needs of the child; the stability of the home environment offered;

the quality and continuity of the child's education; the fitness of the parents, taking into account assessments administered by court-appointed professionals ; the geographical proximity of the parents' homes; the extent and quality of the time spent with the child prior to or subsequent to the separation; the parents' employment responsibilities; and the age and number of the children. A parent shall not be deemed unfit unless that parent's conduct has a substantial adverse effect on the child.

The court, for good cause and upon its own motion, may appoint a guardian ad litem or an attorney or both to represent the minor child's interests. The court shall have the authority to award a counsel fee to the guardian ad litem and the attorney and to assess that cost between the parties to the litigation.

d. The court shall order any custody arrangement which is agreed to by both parents unless it is contrary to the best interests of the child.

e. In any case in which the parents cannot agree to a custody arrangement, the court may require each parent to submit a custody plan which the court shall consider in awarding custody.

f.

(1) The court shall specifically place on the record the factors which justify any custody arrangement not agreed to by both parents.

(2) If the court orders any custody arrangement contrary to the expressed preferences of the child, the court shall specifically place on the record the factors which justify the arrangement and which justify the court's decision to disregard the child's expressed preferences.

g.

(1) The court shall not order any therapy unless there is generally accepted and scientifically valid proof of the safety, effectiveness, and therapeutic value of the therapy. The court shall require a showing of good cause that therapy is appropriate prior to ordering such therapy. No treatment program intended to reunite a child with a party from whom that child is estranged and to whom that child resists or refuses contact shall be ordered by the court without the consent of both parties, and upon a determination that the child is of sufficient age. In determining good cause for ordering therapy, the court shall consider, but shall not be limited to, the following factors:

(a) the claimed reasons, extent, and duration of separation from the perspective of each parent and the child, if the court determines the child to be of sufficient age, capacity, and maturity to express the child's reasons. A child deemed to be of sufficient age and expressing a desire to speak to the court shall be granted an audience off the record and in private chambers. The record of the conversation shall be sealed. The child may also include letters from a treating State licensed mental

health professional to support the child's capacity and maturity to express the child's reasons;

(b) the child's age, capacity, and maturity level, including whether the child has special needs and whether those special needs affect the child's capacity and maturity level;

(c) the willingness of each parent and the child, if the court determines the child to be of sufficient age, capacity, and maturity to express a preference, to engage in scientifically valid therapy;

(d) any conduct claimed by one parent against the other parent that weighs in favor of or against the implementation of any scientifically valid therapy;

(e) in compliance with the privacy provisions of the federal Health Insurance Portability and Accountability Act, Pub.L.104-191 (HIPAA), a summary of the history of therapy in which the child was involved, including, but not limited to, individual or family therapy and any prior interventions or other efforts that were implemented and the results thereof;

(f) any history of domestic violence or child abuse, including sexual abuse, emotional or mental abuse, or evidence that either parent harmed or placed the child's health, safety, or welfare at substantial risk of harm; and

(g) any other relevant factor.

(2) If the court determines that therapy is appropriate, the court may appoint a State licensed mental health professional to commence the therapeutic process and who may coordinate or consult with any treating therapists for the parents and the child. If there is evidence of a history of domestic violence or child abuse, the appointed mental health professional must have substantial training in and experience working with those who have experienced that type of violence or abuse. The therapist shall report to the court, on a periodic basis as determined by the court, regarding the progress of therapy, including but not limited to, the parties' and child's willingness to participate in therapy. In addition, children of sufficient age can request to report their experience in the therapy and may also include letters from a treating State licensed mental health professional to support their capacity and maturity to express their reasons. Based on the therapist's and child's feedback, the court may, within its discretion, make modifications to ongoing therapy as appropriate, including, but not limited to, ceasing or suspending the therapy, with the reasons for such modifications placed on the record. Nothing set forth herein shall allow:

(a) therapy that cuts off a child from a safe parent who is not physically or sexually abusive and with whom the child is bonded or to whom the child is attached;

(b) the use of force, threat of force, or physical obstruction in circumstances that place the safety of the child at risk; or

(c) the use of undue coercion, verbal abuse, or isolation from the child's family, community, or other sources of support.

The court shall not presume that a child's reluctance to interact with a party was caused by the other party. When there is evidence of a history of domestic violence or child abuse, the offending party shall not be granted increased custody for the purpose of improving the relationship between the child and such party or in an attempt to address the child's reluctance to interact with such party. Nothing set forth herein shall prevent the parties from voluntarily agreeing to engage in therapy without the need for court intervention.

h. No later than three years after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the Institute for Families at the Rutgers School of Social Work, in consultation with the Administrative Office of the Courts, shall submit to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14- 19.1), a report concerning the impact of the statutory amendments made pursuant to P.L. , c. (C.) (pending before the Legislature as this bill). The report shall study the family court system and shall include all necessary and appropriate information that would assist the Legislature in evaluating the effectiveness of P.L. , c. (C.) (pending before the Legislature as this bill) on family reunification and custody case resolution.

There is appropriated from the General Fund to the Administrative Office of the Courts the sum of \$500,000, and to the Institute for Families at the Rutgers School of Social Work the sum of \$500,000, to effectuate the provisions of subsection h. of this section.

BIBLIOGRAPHY

AFCC Guidelines for Parenting Coordination, 44 Fam Ct. Rev. 164 (2006)

American Psychological Association, The Parenting Coordination (PC) Project Implementation and Outcomes Study Report 1 (2010)

Beck, C.J.A., Putterman, M.D., Sbarra, D.A., & Mehl, M. R., Parenting coordinator Roles, Program Goals and Services Provided: Insights from the Pima County, Arizona Program, 5 Journal of Child Custody 120 (2008)

Coates, C.A., Deutsch, R., Starnes, H., Sullivan, M.J. & Dyklik, B.L., Parenting Coordination for High Conflict Families 42 Fam. Ct. Rev. 533 (2004)

Deutsch, R.M., Coates, C.A., & Fieldstone, L., Parenting Coordination: An Emerging Role to Assist High Conflict Families. (Pp.. 187-221). In L. Fieldstone and C.A. Coates (Eds.), *Innovations in interventions with high conflict families*. Madison, WI: AFCC (2008)

Eddy, W.A. High Conflict People in Legal Disputes. www.highconflictinstitute.com

Greenberg, Elayne, "Fine Tuning the Branding of Parenting Coordination...You May Get What you Need," 48 Fam. Ct. Rev. 206 (2010)

Kelly, J.B., Preparing for the Parenting Coordination Role: Training Needs for Mental Health and Legal Professionals 5 Journal of Child Custody 140 (2008)

Sullivan, M., Introduction to the Special Issue on Parenting Co-ordination 5 Journal of Child Custody 1 (2008)

Sullivan, M. Parenting Coordination (PC) Practice: A survey of experienced professionals. 46 Fam Ct. Rev. 622 (2008)

Warshak, R., Divorce Poison: Protecting the Parent-child Bond from a Vindictive Ex. New York: Regan Books. (2001)

This page intentionally left blank

ETHICS AND PROFESSIONALISM

BRUCE P. MATEZ, ESQ, APM

- I. SCOPE OF AUTHORITY

- II. GUIDELINE 6A-Subject to professional standards of profession
 - a. Attorneys-RPCs
 - b. Licensed Psychologists
 - c. LCSWs
 - d. LPCs
 - e. MSWs
 - f. Retired judges

- III. CONFLICTS OF INTERESTS
 - a. Relatives
 - b. Friends
 - c. Colleagues/co-workers
 - d. Others

- IV. OTHER ISSUES
 - a. Confidentiality
 - b. Communicating with the court. (*Ex parte?*)

- V. TERMINATION
 - a. GUIDELINE 5K-PC has authority to terminate.

- VI. COMMUNICATION WITH THE COURT
 - GUIDELINE 5C.

- VII. OTHER ISSUES
 - a. Is the appointment binding on PC without a signed agreement?
 - b. Should you have an agreement and an Order?
 - c. Protect yourself!
 - d. Grievances from party's attorney.

- VIII. STORIES-EXAMPLES

This page intentionally left blank

ETHICAL ISSUES FOR PCs- Danger Zones

and

WHAT WOULD YOU DO?

PRESENTED BY BRUCE P. MATEZ, ESQ., APM

SCOPE OF AUTHORITY

Rules

Orders

Agreements

Be Specific

Don't exceed the scope of your authority!

GUIDELINE 6A

Subject to Professional Standards

Attorneys-RPCs

Licensed Psychologists

LCSWs

LPCs

MSWs

Retired judges

Other professional organizations (AFCC, APA, etc.)

CONFLICTS OF INTERESTS

Relatives

Friends

Acquaintances

Colleagues & Co-Workers

Doing a favor for someone

Prior involvement professionally with one or both parents. (Lawyers, therapists, etc.)

Professional standards of profession

OTHER ISSUES

CONFIDENTIALITY-NONE

This is NOT mediation.

COMMUNICATION WITH THIRD PARTIES

COURT-Guideline 5C-consent of parties, by order, or as required by statute or court rule.

LAWYERS

THERAPISTS

MEDICAL PROVIDERS

OTHERS

OTHER ISSUES

GRIEVANCES

Procedure set forth in order-FOLLOW IT!

TERMINATION OF SERVICES

Term in order expires

Guideline 5C-PC may terminate services:

- Service of PC does not meet needs of family

- Child reached age of majority

- Parties stipulate to termination

- PC fees not paid timely

- Order should SPECIFY process for termination

6 TAKEAWAYS

1. STAY IN YOUR LANE! DO NOT EXCEED THE SCOPE OF YOUR AUTHORITY OR THE AUTHORITY PURSUANT TO THE RULES
2. IF IT DOESN'T FEEL RIGHT, DON'T DO IT.
3. DO NOT PUT YOUR CAREER IN JEOPARDY FOR THESE CLIENTS.
4. DO NOT CUT CORNERS OR TAKE CHANCES.
5. YOU CAN SAY NO, WITHDRAW, OR STOP WORKING WITH NOTICE
6. ASK FOR HELP!

CULTURAL COMPETENCY IN PARENTING COORDINATION

- I. Introduction
 - A. Cultural Competency – Defining cultural competency.
 - B. Importance of cultural competency in the Parenting Coordination process and understanding its relevance in the context of Parenting Coordination.
- II. Components of Cultural Competency
 - A. Awareness and Sensitivity
 - Importance of self-awareness and reflection on one's own cultural background, cultural beliefs, values, biases, and assumptions.
 - Recognizing and respecting cultural diversity among families involved in Parenting Coordination.
 - B. Knowledge
 - Acquiring information about diverse cultures, including history, traditions, customs, cultural norms, and communication styles.
 - Understand how cultural norms and practices influence practices related to parenting, child-rearing, and familial relationships.
 - Develop knowledge of common cultural stressors (i.e. migration experiences, acculturation challenges, experienced biases, and intergenerational conflicts).
 - C. Skills
 - Ability to effectively and respectfully interact and communicate with individuals from different cultural backgrounds. Develop awareness of unique considerations.
 - Development of effective communication strategies in cross-cultural settings (i.e active listening, empathy, and non-verbal communication).
 - Facilitating collaborative problem-solving approaches that acknowledge and integrate cultural perspectives.
 - D. Attitudes
 - Cultivating open-mindedness, respect, empathy, and nonjudgmental attitudes towards cultural differences.
 - Practice cultural humility.
 - Adopt a humble and open-minded attitude towards learning about diverse cultures and experiences - Ask questions.
 - Acknowledge your limitations in cultural knowledge and seek guidance from cultural experts or community resources.
 - E. Adaptability
 - Flexibility and ability to adjust communication and practices to be inclusive and responsive to diverse cultural needs.
- III. Strategies for Enhancing Cultural Competency
 - A. Training and Education

- B. Build Partnerships with cultural organizations, community leaders, colleagues and language service providers.
 - C. Ask questions.
- IV. Ethical Considerations
- A. Upholding ethical standards of cultural competence and cultural sensitivity – respect of differences, values, customs, and communication styles/considerations.
 - B. Respecting cultural autonomy – avoid imposing our own cultural norms and biases onto families of different backgrounds.
 - C. Avoid stereotypes – refrain from making assumptions or generalizations.
 - D. Language barriers – ensure language needs are met (i.e. interpreters, translated materials or alternative communication methods).
 - E. Respect for diversity and promotion of inclusivity – respect diverse backgrounds, identities, and family structures.
 - F. Continuous education and cultural competency training.
 - G. Confidentiality – respect for the privacy of parents and families.
 - H. Addressing biases – be vigilant in identifying biases that may arise. Strive to create a safe environment for both parents.
 - I. Addressing power differentials.
- V. Cultural Competency in Recommendations.
- A. Recommendations should be culturally sensitive and tailored to specific needs of the family. Account for differing parenting styles, discipline methods and familial roles.
- VI. Examples of Specific and Unique Cultural Issues.
- VII. Real Life Examples and Lessons Learned
- VIII. Conclusion
- A. Recap of the significance of cultural competency in improving confidence in the process and the outcomes of Parenting Coordination.
 - B. Call to action/Five takeaways
 - Be curious (do not assume – ask questions).
 - Stay informed (pursue ongoing education and training).
 - Develop a strong network of professionals with varied cultural knowledge.
 - Know (and be open about) what you do not know.
 - Practice radical self-awareness (what implicit biases do you bring to the table).

N.J. Stat. § 2C:25-19

Current through New Jersey 220th Second Annual Session, L. 2023, c. 256 and J.R. 18

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 2. Specific Offenses (Pts. 1 — 6) > Part 3. Offenses Against Other Persons (Chs. 24 — 26) > Chapter 25. Domestic Violence (§§ 2C:25-1 — 2C:25-35)

§ 2C:25-19. Definitions.

As used in this act:

a. “Domestic violence” means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:

- (1) Homicide [N.J.S.2C:11-1](#) et seq.
- (2) Assault [N.J.S.2C:12-1](#)
- (3) Terroristic threats [N.J.S.2C:12-3](#)
- (4) Kidnapping [N.J.S.2C:13-1](#)
- (5) Criminal restraint [N.J.S.2C:13-2](#)
- (6) False imprisonment [N.J.S.2C:13-3](#)
- (7) Sexual assault [N.J.S.2C:14-2](#)
- (8) Criminal sexual contact [N.J.S.2C:14-3](#)
- (9) Lewdness [N.J.S.2C:14-4](#)
- (10) Criminal mischief [N.J.S.2C:17-3](#)
- (11) Burglary [N.J.S.2C:18-2](#)
- (12) Criminal trespass [N.J.S.2C:18-3](#)
- (13) Harassment [N.J.S.2C:33-4](#)
- (14) Stalking [P.L.1992, c.209 \(C.2C:12-10\)](#)
- (15) Criminal coercion [N.J.S.2C:13-5](#)
- (16) Robbery [N.J.S.2C:15-1](#)
- (17) Contempt of a domestic violence order pursuant to subsection b. of [N.J.S.2C:29-9](#) that constitutes a crime or disorderly persons offense
- (18) Any other crime involving risk of death or serious bodily injury to a person protected under the “Prevention of Domestic Violence Act of 1991,” [P.L.1991, c.261 \(C.2C:25-17\)](#) et al.)
- (19) Cyber-harassment [P.L.2013, c.272 \(C.2C:33-4.1\)](#)

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute “domestic violence,” but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 ([C.2A:4A-30](#)).

b. “Law enforcement agency” means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

c. “Law enforcement officer” means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

d. “Victim of domestic violence” means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. “Victim of domestic violence” also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. “Victim of domestic violence” also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

e. “Emancipated minor” means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

History

L. [1991, c. 261](#), § 3; amended [1994, c. 93](#), § 1; [1994, c. 94](#), § 1; [2015, c. 98](#), § 2, effective August 10, 2015; [2016, c. 77](#), § 1, effective December 5, 2016.

Annotations

Notes

Editor's Notes

Sentencing for certain offenses involving domestic violence, see [2C:43-6.8](#).

Amendment Notes

2015 amendment, by Chapter 98, added a.(15) through a.(18); and substituted “household member or was at any time a” for “or former” in the first sentence of d.

2016 amendment, by Chapter 77, inserted a.(19).

N.J. Stat. § 2C:25-29

Current through New Jersey 220th Second Annual Session, L. 2023, c. 256 and J.R. 18

LexisNexis® New Jersey Annotated Statutes > Title 2C. The New Jersey Code of Criminal Justice (Subts. 1 — 3) > Subtitle 2. Specific Offenses (Pts. 1 — 6) > Part 3. Offenses Against Other Persons (Chs. 24 — 26) > Chapter 25. Domestic Violence (§§ 2C:25-1 — 2C:25-35)

§ 2C:25-29. Hearing procedure; relief

a. A hearing shall be held in the Family Part of the Chancery Division of the Superior Court within 10 days of the filing of a complaint pursuant to section 12 of [P.L.1991, c.261 \(C.2C:25-28\)](#) in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere. A copy of the complaint shall be served on the defendant in conformity with the Rules of Court. If a criminal complaint arising out of the same incident which is the subject matter of a complaint brought under P.L.1981, c.426 ([C.2C:25-1](#) et seq.) or [P.L.1991, c.261 \(C.2C:25-17](#) et seq.) has been filed, testimony given by the plaintiff or defendant in the domestic violence matter shall not be used in the simultaneous or subsequent criminal proceeding against the defendant, other than domestic violence contempt matters and where it would otherwise be admissible hearsay under the rules of evidence that govern where a party is unavailable. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence. In considering the necessity of ordering a restraining order the court shall consider but not be limited to the following factors:

- (1) The previous history of domestic violence between the plaintiff and defendant, including threats, harassment and physical abuse;
- (2) The existence of immediate danger to person or property;
- (3) The financial circumstances of the plaintiff and defendant;
- (4) The best interests of the victim and any child;
- (5) In determining custody and parenting time the protection of the victim's safety;
- (6) The existence of a verifiable order of protection from another jurisdiction; and
- (7) Any pattern of coercive control against a person that in purpose or effect unreasonably interferes with, threatens, or exploits a person's liberty, freedom, bodily integrity, or human rights with the court specifically considering evidence of the need for protection from immediate danger or the prevention of further abuse. If the court finds that one or more factors of coercive control are more or less relevant than others, the court shall make specific written findings of fact and conclusions of law on the reasons why the court reached that conclusion. Coercive control may include, but shall not be limited to:
 - (a) isolating the person from friends, relatives, transportation, medical care, or other source of support;
 - (b) depriving the person of basic necessities;
 - (c) monitoring the person's movements, communications, daily behavior, finances, economic resources, or access to services;
 - (d) compelling the person by force, threat, or intimidation, including, but not limited to, threats based on actual or suspected immigration status;

- (e) threatening to make or making baseless reports to the police, courts, the Division of Child Protection and Permanency (DCPP) within the Department of Children and Families, the Board of Social Services, Immigration and Customs Enforcement (ICE), or other parties;
- (f) threatening to harm or kill the individual's relative or pet;
- (g) threatening to deny or interfere with an individual's custody or parenting time, other than through enforcement of a valid custody arrangement or court order pursuant to current law including, but not limited to, an order issued pursuant to Title 9 of the Revised Statutes; or
- (h) any other factors or circumstances that the court deems relevant or material.

An order issued under this act shall only restrain or provide damages payable from a person against whom a complaint has been filed under this act and only after a finding or an admission is made that an act of domestic violence was committed by that person. The issue of whether or not a violation of this act occurred, including an act of contempt under this act, shall not be subject to mediation or negotiation in any form. In addition, where a temporary or final order has been issued pursuant to this act, no party shall be ordered to participate in mediation on the issue of custody or parenting time.

The Administrative Office of the Courts shall prepare standard templates for final restraining orders in English, Spanish and the other high-demand languages identified in its Language Access Plan as approved by the Supreme Court. These templates shall be available for judges and staff of the Superior Court Family Part to provide to the victim and defendant when issuing final restraining orders pursuant to this section.

b. In proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse. In addition to any other provisions, any restraining order issued by the court shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to [N.J.S.2C:58-3](#) during the period in which the restraining order is in effect or two years, whichever is greater. The order shall require the immediate surrender of any firearm or other weapon belonging to the defendant. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to [N.J.S.2C:39-5](#).

A law enforcement officer shall accompany the defendant, or may proceed without the defendant if necessary, to any place where any firearm or other weapon belonging to the defendant is located to ensure that the defendant does not gain access to any firearm or other weapon, and a law enforcement officer shall take custody of any firearm or other weapon belonging to the defendant. If the order prohibits the defendant from returning to the scene of domestic violence or other place where firearms or other weapons belonging to the defendant are located, any firearm or other weapon located there shall be seized by a law enforcement officer. The provisions of this subsection requiring the surrender or removal of a firearm, card, or permit shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty. At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief:

- (1) An order restraining the defendant from subjecting the victim to domestic violence, as defined in this act.
- (2)
 - (a) An order granting exclusive possession to the plaintiff of the residence or household regardless of whether the residence or household is jointly or solely owned by the parties or jointly or solely leased by the parties. This order shall not in any manner affect title or interest to any real property held by either party or both jointly. If it is not possible for the victim to remain in the residence, the court may order the defendant to pay the victim's rent at a residence other than the one previously

shared by the parties if the defendant is found to have a duty to support the victim and the victim requires alternative housing.

(b) An order that the landlord of a residential dwelling unit shall change the locks on the dwelling unit in which the victim resides pursuant to section 2 of [P.L.2023, c.174](#) ([C.46:8-9.14](#)).

(3) An order providing for parenting time. The order shall protect the safety and well-being of the plaintiff and minor children and shall specify the place and frequency of parenting time. Parenting time arrangements shall not compromise any other remedy provided by the court by requiring or encouraging contact between the plaintiff and defendant. Orders for parenting time may include a designation of a place of parenting time away from the plaintiff, the participation of a third party, or supervised parenting time.

(a) The court shall consider a request by a custodial parent who has been subjected to domestic violence by a person with parenting time rights to a child in the parent's custody for an investigation or evaluation by the appropriate agency to assess the risk of harm to the child prior to the entry of a parenting time order. Any denial of such a request must be on the record and shall only be made if the judge finds the request to be arbitrary or capricious.

(b) The court shall consider suspension of the parenting time order and hold an emergency hearing upon an application made by the plaintiff certifying under oath that the defendant's access to the child pursuant to the parenting time order has threatened the safety and well-being of the child.

(4) An order requiring the defendant to pay to the victim monetary compensation for losses suffered as a direct result of the act of domestic violence. The order may require the defendant to pay the victim directly, to reimburse the Victims of Crime Compensation Office for any and all compensation paid by the Victims of Crime Compensation Office directly to or on behalf of the victim, and may require that the defendant reimburse any parties that may have compensated the victim, as the court may determine. Compensatory losses shall include, but not be limited to, loss of earnings or other support, including child or spousal support, out-of-pocket losses for injuries sustained, cost of repair or replacement of real or personal property damaged or destroyed or taken by the defendant, cost of replacing locks pursuant to section 2 of [P.L.2023, c.174](#) ([C.46:8-9.14](#)), cost of counseling for the victim, moving or other travel expenses, reasonable attorney's fees, court costs, and compensation for pain and suffering. Where appropriate, punitive damages may be awarded in addition to compensatory damages.

(5) An order requiring the defendant to receive professional domestic violence counseling from either a private source or a source appointed by the court and, in that event, requiring the defendant to provide the court at specified intervals with documentation of attendance at the professional counseling. The court may order the defendant to pay for the professional counseling. No application by the defendant to dissolve a final order which contains a requirement for attendance at professional counseling pursuant to this paragraph shall be granted by the court unless, in addition to any other provisions required by law or conditions ordered by the court, the defendant has completed all required attendance at such counseling.

(6) An order restraining the defendant from entering the residence, property, school, or place of employment of the victim or of other family or household members of the victim and requiring the defendant to stay away from any specified place that is named in the order and is frequented regularly by the victim or other family or household members.

(7) An order restraining the defendant from making contact with the plaintiff or others, including an order forbidding the defendant from personally or through an agent initiating any communication likely to cause annoyance or alarm including, but not limited to, personal, written, or telephone contact with the victim or other family members, or their employers, employees, or fellow workers, or others with whom communication would be likely to cause annoyance or alarm to the victim.

(8) An order requiring that the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the defendant is found to have a duty to support the victim or other dependent household members; provided that this issue has not been resolved or is not being litigated between the parties in another action.

(9) An order granting either party temporary possession of specified personal property, such as an automobile, checkbook, documentation of health insurance, an identification document, a key, and other personal effects.

(10) An order awarding emergency monetary relief, including emergency support for minor children, to the victim and other dependents, if any. An ongoing obligation of support shall be determined at a later date pursuant to applicable law.

(11) An order awarding temporary custody of a minor child. The court shall presume that the best interests of the child are served by an award of custody to the non-abusive parent.

(12) An order requiring that a law enforcement officer accompany either party to the residence or any shared business premises to supervise the removal of personal belongings in order to ensure the personal safety of the plaintiff when a restraining order has been issued. This order shall be restricted in duration.

(13) (Deleted by amendment, [P.L.1995, c.242](#)).

(14) An order granting any other appropriate relief for the plaintiff and dependent children, provided that the plaintiff consents to such relief, including relief requested by the plaintiff at the final hearing, whether or not the plaintiff requested such relief at the time of the granting of the initial emergency order.

(15) An order that requires that the defendant report to the intake unit of the Family Part of the Chancery Division of the Superior Court for monitoring of any other provision of the order.

(16) In addition to the order required by this subsection prohibiting the defendant from possessing any firearm, the court may also issue an order prohibiting the defendant from possessing any other weapon enumerated in subsection r. of [N.J.S.2C:39-1](#) and ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

(17) An order prohibiting the defendant from stalking or following, or threatening to harm, to stalk or to follow, the complainant or any other person named in the order in a manner that, taken in the context of past actions of the defendant, would put the complainant in reasonable fear that the defendant would cause the death or injury of the complainant or any other person. Behavior prohibited under this act includes, but is not limited to, behavior prohibited under the provisions of [P.L.1992, c.209](#) ([C.2C:12-10](#)).

(18) An order requiring the defendant to undergo a psychiatric evaluation.

(19) An order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.

(20) At the plaintiff's request, an order providing that, if the plaintiff is pregnant, the plaintiff's child shall be included in the restraining order immediately upon birth.

c. Notice of orders issued pursuant to this section shall be sent by the clerk of the Family Part of the Chancery Division of the Superior Court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency.

d. Upon good cause shown, any final order may be dissolved or modified upon application to the Family Part of the Chancery Division of the Superior Court, but only if the judge who dissolves or modifies the

order is the same judge who entered the order, or has available a complete record of the hearing or hearings on which the order was based.

e. Prior to the issuance of any order pursuant to this section, the court shall order that a search be made of the domestic violence central registry.

History

L. [1991, c. 261](#), § 13; amended [1994, c. 94](#), § 5; [1994, c. 137](#), § 2; [1995, c. 242](#), § 1; [1997, c. 299](#), § 8, eff. Jan. 8, 1998; [1999, c. 236](#), § 2, eff. Oct. 13, 1999; [1999, c. 421](#), § 4, eff. Jan. 18, 2000; [2003, c. 277](#), § 2, eff. Jan. 14, 2004; [2011, c. 213](#), § 4, eff. Jan. 17, 2012; [2016, c. 91](#), § 3, effective August 1, 2017; [2023, c. 174](#), § 3, effective November 20, 2023; [2023, c. 230](#), § 1, effective January 8, 2024; [2023, c. 234](#), § 3, effective May 7, 2024; [2023, c. 239](#), § 3, effective April 1, 2024.

Annotations

Notes

OLS Corrections:

Pursuant to [R.S.1:3-1](#), the Office of Legislative Services, through its Legislative Counsel and with the concurrence of the Attorney General, corrected L. [2023, c. 234](#), § 3 to incorporate the provisions of the amendment of this section by L. [2023, c. 174](#), § 3, L. [2023, c. 230](#), § 1, and L. [2023, c. 239](#), § 3. However, L. [2023, c. 174](#), § 3, L. [2023, c. 230](#), § 1, and L. [2023, c. 239](#), § 3 are effective Nov. 20, 2023, Jan. 8, 2024, and April 1, 2024, respectively, while L. [2023, c. 234](#), § 3, is effective May 7, 2024.

Editor's Notes

Findings, declarations, see [46:8-9.13](#).

Lock changes, dwelling unit, domestic violence victim, landlord, temporary, permanent restraining order, notification, see [46:8-9.14](#).

Effective Dates

Section 5 of L. [2016, c. 91](#) provides: "This act shall take effect on the first day of the seventh month next following enactment." Chapter 91, L. 2016, was approved on Jan. 9, 2017.

Section 4 of L. [2023, c. 234](#) provides: "This act shall take effect on the 120th day following enactment." Chapter 234, L. 2023, was approved on January 8, 2024.

Section 4 of L. [2023, c. 239](#) provides: "This act shall take effect on the first day of the third month next following the date of enactment, but the Administrative Director of the Administrative Office of the Courts may take such anticipatory action as is necessary for the implementation of the act." Chapter 239, L. 2023, was approved on January 8, 2024.

Amendment Note:

2011 amendment, by Chapter 213, added b.(19); and in b.(4), substituted "Victims of Crime Compensation Office" for "Victims of Crime Compensation Board" twice.

2016 amendment, by Chapter 91, in b., in the second sentence of the first paragraph, deleted "except that this provision" following "greater" and added the present last sentence; in the second paragraph, added the present first and second sentences and inserted "The provisions of this subsection requiring the surrender or removal of a firearm, card, or permit" in the present third sentence; and made a related change.

2023 amendment, by Chapter 174, added the b.(2)(a) designation; added b.(2)(b); and added "replacing locks pursuant to section 2 of P.L.2023, c.174 (C.46:8-9.14), cost of" in third sentence of b.(4).

2023 amendment, by Chapter 230, added "In considering the necessity of ordering a restraining order" in the last sentence of the introductory paragraph of a.; added a.(7); and made related changes.

2023 amendment, by Chapter 234, added the last concluding paragraph of a.

DOMESTIC VIOLENCE AND PARENTING COORDINATION

Candice Drisgula and Bruce Mitez

- A. Candice-Prevention of Domestic Violence Act (5 Mins)
- B. Candice-What is required for Roster if there is a TRO/FRO? (10 Mins)
 - R. 5:8D(4)-Domestic Violence Training. Where there is a domestic violence restraining order, the parenting coordinator must also have completed additional training on domestic violence components, including: power and control; progression of abuse; the cycle of violence; and issues related to the victim and to the perpetrator.

If you are going to do this, get additional training. Possibly take the DVEM training? Understand fully the issues underlying DV situations.

- C. Bruce-Intake and assessment (refer to AFCC Guidelines for Examining Intimate Partner Violence) (10 Mins)
 - 1. With FRO
 - a. judicial input
 - b. attorney input
 - c. General information (significant physical violence, one time violence, coercive control, regular control, financial control, etc.)
 - d. Amend FRO to allow for PC involvement and parameters
 - 2. Without FRO
 - a. screening
 - b. Allegations
 - c. Ask questions (separate, safe space)
 - d. Civil Restraints? Amend?
 - 3. Can you vs. SHOULD YOU?
Making a decision that is right for you before you sign on!
 - 4. Language in Agreement/Order for withdrawal
- D. Candice-Impact of coercive control on parenting, coparenting, and parent-child relationships (10 Mins)
- E. Bruce and Candice-Safety interventions/protocols (20 minutes)
 - 1. Having specific protocols (CD)
 - 2. Managing sessions (separate, Zoom vs. in person) (BPM)
 - 3. Managing parental communications (BPM)
 - 4. Managing balance in the PC process (CD)
 - 5. Handling abusive behaviors (CD)
 - 6. When the “aggressor” uses PC to perpetuate abuse or is recalcitrant, or turns on the PC? (BPM)
 - 7. Observing impact, dynamics, power struggles, control (CD)

8. If DV occurs during the PC process? What to do. (CD)

F. Q & A (10 mins)

Coparenting and the Parenting Coordination Process

Matthew J. Sullivan

ABSTRACT. Parenting coordination has an emerging role in child custody and access cases that provides a combination of legal and psychological interventions to address high conflict coparenting situations. Despite the role's rapid expansion, the literature has yet to explore the reasons why this role may be effective with the population of chronically litigating divorced parents. This article explores coparenting after divorce from a structural family systems' perspective and provides a conceptual framework for why the parenting coordination (PC) process is effective in assisting high conflict coparents to implement their parenting plans. The goal of disengaging high conflict coparents in order to create and maintain a parallel coparenting model is suggested as essential to the PC process. This article will describe various functions that can be uniquely provided in the PC process to disengage conflicted coparents, including: (1) working with coparents to enhance the detail and specificity of their parenting plan;

Matthew J. Sullivan, Ph.D., has been in private practice in Palo Alto, California since 1987. He has written articles, presented and conducted training at numerous national and international venues on topics such as high conflict divorce, parenting coordination and child alienation. He is currently serving on the editorial board of the *Journal of Child Custody* and the Association of Family and Conciliation Courts Task Force on Parenting Coordination. He was recently appointed to an American Psychological Association and American Bar Association multi-year working group on legal and psychological interventions with children and families.

Address correspondence to Matthew J. Sullivan, 411 Kipling St., Palo Alto, California 94301. californiaparentingcoordinator.com. E-mail: sullydoc@aol.com.

Journal of Child Custody, Vol. 5(1/2) 2008
Available online at <http://jcc.haworthpress.com>
© 2008 by The Haworth Press. All rights reserved.
doi: 10.1080/15379410802070351

(2) using the parenting coordinator as the interface or functional link between the coparents, titrating the engagement of the coparents to facilitate adequate information exchange and effective decision-making about child-related issues while minimizing conflict; and (3) managing the involvement of the system external to the family.

KEYWORDS. Child custody, coparenting, high conflict divorce, parenting coordination, parenting plans

Parenting coordination has a rapidly expanding role in the family courts that is designed to assist high conflict parents in implementing their child custody parenting plan. It is a unique, legal/mental health hybrid role that provides intensive coparenting support by combining case management, education, dispute resolution, and coordination of communication for high conflict coparents (Coates et al., 2004; Sullivan, 2004; Kirkland & Kirkland, 2006). The Parenting Coordinator (PC) role emerged out of the repeated frustration and the failure of the family court process to assist high conflict coparents through the divorce transition. These roughly 10–15% of divorcing parents (Johnston & Campbell, 1988) become stuck in the legal adversarial process, even after they obtain a judgment of their custody disputes. In the early 1990s, judges and mental health professionals who worked with divorcing coparents began a dialogue about these chronically litigating parents, who moved through the “conflict pyramid” (Maccoby & Mnookin, 1992), often necessitating custody evaluations and trials to establish their parenting plans, only to continue litigating the day-to-day issues that came up as they attempted to implement these custody orders. Judges, often dreading the appearances of these “frequent flyers” in the family court system turned to experienced mediators, custody evaluators, and family law specialists for a better process to serve these families.

This interdisciplinary dialogue spawned a new, hybrid legal/psychological role, the Parenting Coordinator (Coates et al., 2004), distinct in its elements from traditional roles in the family court – judge, mediator, custody evaluator, child’s attorney, Guardian ad litem (GAL), and therapeutic roles (child therapist, family therapist, coparent counselor, etc.). It contains many of the same aspects of these roles – neutrality, impartiality, formal court appointment, focus on dispute resolution and children’s best interests, is both evaluative

and educative – but provides a unique combination of legal authority, specialized knowledge and availability to high conflict families. The PC's legal authority to make binding decisions can come from the delegation of judicial authority through a variety of means, including legal statutes, rules of court and orders of appointment (Kirkland, this volume). The PC's specialized knowledge comes from training and experience in the areas of mediation, evaluation, experience working with the legal procedures of the family court, and family dynamics in high conflict coparenting situations (AFCC, 2003). Most importantly, the PC has the ability to work intimately and intensively with the comprehensive family system – parents, children, significant others, and the system that surrounds the family – extended family, educational, health and community contexts. The accessibility of the PC provides an essential element that, when combined with its authority and specialized knowledge, creates a role uniquely suited to manage these chronically conflicted families.

Not surprisingly, once the PC role became more established as information about its implementation in initial jurisdictions such as Northern California and Colorado was disseminated, it burgeoned across jurisdictions in the United States and beyond (Coates et al., 2004). The PC role currently exists in many states, with eight states operating under specific statutes for PC work, while in several other states the role is performed using related statutes or rules of the state's courts (e.g., Special Master and mediator). The rapid spread of the role speaks to both the need to provide more effective services to chronically high conflict coparents and the promising benefits of the parenting coordination process. The process is "promising" at this point at best, because absent some initial studies of parenting coordination's effectiveness in significantly reducing litigation post-appointment (Johnston, 1994; Vick & Backerman, 1996), there are no more empirical studies demonstrating if and how the role works. Kirkland and Sullivan (2008) provide a survey of interesting aspects of PC work, including findings that the role is multidisciplinary, but dominated by psychologists, performed by practitioners with an average of 18 years of experience and that it is a role with a high degree of professional risk.

The Association and Family and Conciliation Courts (AFCC) Task Force on Parenting Coordination has contributed to the advancement of this emerging role in its two work products, addressing implementation issues (AFCC, 2003) and providing a first set of model guidelines for the practice of Parenting Coordination (AFCC,

2006). The latter parenting coordination practice guidelines provide training recommendations thought to be essential to undertaking this challenging role. The implementation of the role – its defined authority, procedural determinants of the mediation-arbitration process – varies across jurisdictions, but the essential aspects of the role as an alternative dispute resolution and case management process for high conflict coparents are the common foci of the role.

Several important questions have accompanied the emergence of the PC role. What makes it a more effective alternative to the traditional court process to assist high conflict coparents implement their parenting plans? What are the characteristics of these high conflict coparents that lend themselves to the parenting coordination process? How does the parenting coordination process address the failure of these coparents to navigate through the “impasses” of their divorce?

The answers to these questions are found in an understanding of the patterns of coparenting after divorce and the power of the parenting coordination process to shape these coparenting patterns.

COPARENTING

The architects and guardians of healthy and adaptive family systems are the parents, or as they are termed in family systems theory, the “executive subsystem” (Minuchin, 1974). Coparenting refers to the interactions of parents about their children and, therefore, does not include “the romantic, sexual, companionate, emotional, financial and legal aspects of the adults’ relationship that does not relate to childrearing” (Feinberg, 2003, p. 96). McHale et al. (2002) note that, “Effectively functioning coparenting units are those in which the significant adult figures collaborate to provide a family context that communicates to the child solidarity and support between parenting figures, a consistent and predictable set of rules and standards (regardless of whether the unit is in one household or multiple) and a safe and secure home base” (p. 76).

Coparents must adjust to multiple transitions over the course of the family life cycle. These include the birth of each child, changes in work status, and predictable developmental stages of a child’s life (starting school, moving through adolescence, etc.). At each of these developmental transitions the failure of coparents to negotiate the transition in an adaptive manner can result in adjustment problems

for the child (McHale, 1997). The restructuring that is necessary must preserve the cooperation, communication and coordination between coparents that results in clear and agreed upon standards, and a demarcation of power with adults in charge.

No family structural reorganization is more challenging to coparents than the divorce transition. From this standpoint, divorce results in the reorganization of a nuclear family system to a binuclear family system. To be adaptive, parents need to establish functionality in their respective residential situations during their custody periods and an efficient linkage between the residential subsystems. This linkage includes adequate child-focused information exchange and effective decision-making. When divorce occurs, there is a dissolution of the marital and financial partnership, and that process, combined with the psychological impact of these losses, usually results in some degree of impairment to parenting and the functioning of the coparenting unit (Maccoby, Depner & Mnookin, 1990). For most coparents, this impairment is a transitional phenomenon and within 2–3 years adequately functional coparenting resumes (Ahrons & Rogers, 1987; Maccoby & Mnookin, 1992; Heatherington & Stanley-Hagen, 1995). For a small minority of divorcing parents, the high conflict becomes entrenched and impairs the cooperation, communication and coordination that is essential to healthy post-divorce child adjustment (Ahrons & Wallisch, 1987; Johnston & Campbell, 1988; Pruett et al., 2003).

Several studies of coparenting in the divorce context converge to provide findings that coparenting after divorce falls into four categories of functioning (Ahrons & Rogers, 1987; Maccoby & Mnookin, 1992; Heatherington, 2003). These categories are created by two variables—level of engagement and level of conflict. The engagement variable is defined by the degree of interaction that occurs between coparents and the conflict variable describes the quality of that interaction. These variables are not discrete, nor do they create discrete categories of coparenting as illustrated in Table 1, but for the purpose of this discussion, these categories will be used.

As can be seen in Table 1, roughly 25% of coparents after divorce fall into the cooperative category. They have a High Level of Engagement and a Low Level of Conflict. Cooperative coparents are described as able to make agreements about their parenting plan, often on their own, or with minimal assistance from the educative and collaborative services the Family Court offers. They have accurate perceptions of themselves, their coparent and their children, operate

TABLE 1. Coparenting after Divorce

<u>LEVEL</u>	<u>OF</u> (low)	<u>CONFLICT</u> (high)
<u>OF</u> (low)	Parallel (low/low) (40%)	Mixed (high/low) (20%)
<u>ENGAGEMENT</u> (high)	Cooperative (low/high) (25%)	Conflicted (high/high) (15%)

from a child-focus, are supportive of their coparent, and have an ability to communicate, problem solve and make joint decisions. They implement their parenting plan collaboratively and flexibly with their children's best interests and sustaining a functional coparenting relationship as guiding principles. Not surprisingly, the children of cooperative coparents adjust quite well to the reorganization of their family from nuclear to binuclear (Heatherington & Stanley-Hagan, 1995; Kelly & Emery, 2003).

Conflicted coparents comprise 10–15% of those coparenting after divorce. They have a High Level of Engagement and a High Level of Conflict. Conflicted coparents have distorted perceptions of themselves, their coparents and their children. They tend to project their own needs onto their children, often couching them “In the name of the child” (Johnston & Roseby, 1997). They operate from an angry, often antagonistic stance, communicate poorly, and their ability to problem solve and make joint decisions is quite impaired. Their breakdown in parental hierarchy and executive functioning lead to a neglect of their children's needs and leave their children caught in the middle of their conflict. Conflicted coparents have little ability to use educative or collaborative dispute resolution processes, and utilize the more adversarial family court processes (evaluation and litigation) to determine their parenting plan and often to repeatedly handle disputes in the implementation of their parenting plan. Perhaps the most robust

finding in the literature on children's adjustment to divorce is that children of high conflict coparents suffer adjustment difficulties significantly more than children who live post-divorce in a cooperative coparenting situation (Amato, 2000; Kelly & Emery, 2000; Kelly, 2007).

The third category is termed "mixed," and comprises approximately 10–20% coparents after divorce. These coparents engage in high levels of both supportive, cooperative coparenting and antagonistic, conflicted coparenting, the so-called "angry associates" in Ahron's sample (Ahrons & Rogers, 1987).

The most interesting category from the standpoint of the Parenting Coordination role is the parallel coparenting quadrant. The parallel parenting type is the most prevalent coparenting situation post-divorce, comprising at least 40% of coparenting types after divorce (Hetherington & Stanley-Hagan, 1995; Maccoby & Mnookin, 1992). These coparents have a low level of engagement and a low level of conflict. They have a low level of conflict, not because their interactions are cooperative, but because they minimize and avoid interactions. Their parenting plan may be agreed upon during the collaborative legal processes, or may be mandated or settled after considerable legal adversarial involvement. However, once the parenting plan is established these coparents tend to adhere to the plan, parenting independently during their custodial time and having minimal or "disengaged" communication and joint decision-making about their child. Since conflict is dependent on interparental interaction, the level of engagement is the determining variable between conflicted and parallel parenting.

The parallel parenting model is intriguing for two reasons. First, because children who live post-divorce in this model appear to adjust post-divorce as well as children who are raised in a cooperative coparenting model (and, therefore, have better adjustment than children in higher conflict situations). Joan Kelly's meta-analysis of children's adjustment after divorce explains:

Cooperative coparenting promotes resiliency in children because of the parents' ability to resolve differences on their own or with mediators or therapists as they arise. It has been reported that children whose parents engage in conflict-free parallel parenting also appear to thrive, as long as they have adequate parenting in both homes and well articulated parenting agreements and orders specifying contact and when joint decision-making is required will occur. (Kelly, 2007, p. 8)

Second, the engagement variable is amenable to interventions that move it along a continuum from high engagement to low engagement (disengagement). This is where the parent coordination process targets its interventions. The ability of the PC to “disengage” conflicted coparents through the structure of detailed parenting plans and to become the functional linkage or interface between coparents is the essential effectiveness of the process. If successful, parenting coordination can move parents from the conflicted quadrant to the “conflict free” (or “conflict managed”) parallel quadrant, which appears to be adequate for children’s reasonable adjustment post-divorce (Hetherington & Stanley-Hagan, 1995). (See Table 2.)

This shift in focus among legal and mental health professionals who practice in the family courts, particularly for those who work with high conflict coparents, is essential. If family court interventions are intended to assist conflicted coparents to become cooperative (arrow A in Table 2), they keep the level of engagement high. This tends to keep the level of conflict high, as these parents can rarely resist the psychological and interpersonal pulls to engage in conflict. Interventions, such as parenting coordination, that work to disengage conflicted coparents with the goal of creating a parallel parenting model for these coparents (arrow B in Table 2) have a much greater likelihood of succeeding and having a positive impact on children’s adjustment in these families.

The remainder of this article will describe examples of interventions by PCs that disengage conflicted coparents, with the goal of stabilizing

TABLE 2. Focus of Intervention with High Conflict Coparents

<u>LEVEL</u>	<u>OF</u> (low)	<u>CONFLICT</u> (high)
<u>OF</u> (low)	Parallel (high/low)	Mixed (low/high)
<u>ENGAGEMENT</u> (high)	Cooperative (high/low)	Conflicted (high/high)

them in a parallel parenting model, and in some cases then work towards manageable cooperative engagement (arrow C in Table 2). Conflicted coparents rarely move directly to cooperative coparenting without experiencing some period of time (often years) in a parallel parenting model. This prolonged, functional disengagement can allow parents to deal with the intrapsychic, interpersonal and system-wide issues that maintain their high level of conflict (Jonhston & Campbell, 1988). During this period, the PC functions as the functional link between the coparents to assure adequate information exchange and decision-making in their childrearing relationship.

How the Parenting Coordination Process Disengages Conflicted Coparents

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

Parents who engage in repeated litigation impair their ability to functionally coparent. The litigation process tends to exacerbate areas of disagreement and minimize cooperative communication for divorcing parents (Adamsons & Pasley, 2006). By virtue of their psychological vulnerabilities, dysfunctional patterns of interpersonal behavior and the trauma of the divorce transition, high conflict coparents often find themselves entrenched in the most adversarial processes in the Family Court. Repeated cycles of evaluation and litigation as a means of resolving custody (legal and physical/timeshare) and coparenting issues may interfere with parents' ability to implement their parenting plan (information exchange, health, education, activities, discipline, etc.) as these adversarial processes train them to be effective litigants. The characteristics of litigants are antithetical to those of functional coparents (see Table 3).

Litigants, organized and fueled by the adversarial court process, tend to assume a personal advocacy position (or are represented by an advocate, their attorney). This advocacy stance often leads the parent not to take responsibility for their actions, and to approach

TABLE 3. 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

problems and issues from a win/lose mentality. If they lose an issue, they tend to redouble their efforts (including sabotaging the efforts of their coparent to make them look bad) to prevail in the next round. Litigants’ trust of the other parent, perceived as an adversary, is nil, and since they have no confidence in the good intentions of their coparent, they tend to take unilateral childrearing action (which usually escalates the legal conflict). Their lack of negotiation skills, give and take or problem-solving mechanisms to resolve issues, lead to the depletion of emotional and financial resources that come from repeated exposure to dispute resolution processes in the legal-adversarial system.

Functional coparents work directly with each other in a collaborative manner, avoiding the legal-adversarial system and its multiple costs. They approach differences and issues with a child-focused, problem-solving approach, avoiding blame and engaging in a give and take process that builds trust and confidence in their coparent. They support the other’s parenting and are able to separate their parenting relationship from the spousal relationship. They use their parenting plan to avoid disputes about timeshare schedules and parenting issues, but can be flexible about this structure as unexpected issues arise. When they cannot manage these tasks, they seek coparenting assistance in its many available variations – mediation, coparent counseling, case management and, in its most intensive form, parenting coordination.

Establishing the Rules of the Coparenting Relationship

When a PC becomes involved in a case, the goal is to move litigation-oriented coparents into a context that can re-train them to

be functional coparents. There must be a clear demarcation when the parenting coordination process commences that announces to these parents that they are no longer working in a traditional legal adversarial process, and therefore the “rules of engagement” are different. The PC is immediately challenged by the litigation-oriented coparents entering the process, and must take charge and train parents to follow a new set of rules for their coparenting. These rules are organized by principles that support a parallel parenting model:

- A child has a right to a meaningful relationship with each parent.
- Each parent has a right to have a meaningful relationship with his or her child without the interference of the other parent.
- A child has a right not to be caught in the middle of parental conflict.
- When parents separate, the most significant predictor of a child’s well-being is the level of conflict between the parents. *Children exposed to high conflict have a poorer prognosis.*
- If the parents do not get along, feel uncomfortable in each other’s presence, prefer not to deal with each other or, more seriously, have an order of protection, then it is in the child’s best interest for parents to develop a parenting plan that eliminates the opportunities for parental interaction resulting in conflict.
- Parents interact in a child-focused, businesslike and respectful manner.
- Nothing is assumed about the coparenting relationship; everything is spelled out in the parenting plan.

Structural family systems theory tells us that relationship rules are established very early in relationships, in their initial interactions, and then reinforced by their repetition. Though largely unspoken and implicit, these rules are powerful organizers of relationship interaction. The parenting coordination process, by its clear, explicit rules, reflected in the detailed procedures in the order of appointment and/or service contract, sets down a structure that supports a parallel parenting model. The procedures mandate that communication follows protocols for (1) how communication with the PC and the coparent can be initiated; (2) what the content should involve – only appropriate child-focused content; (3) how communication should be conducted – in a respectful, businesslike manner; (4) in what modality it will be communicated – in person, by phone, by email, by fax;

(5) the parameters of that communication mode – where, when and how communication occurs; and (6) how the results of that communication are documented (in what form, by whom, in what time period, etc.). These procedures detail and set the rules of engagement and they must be manageable to accomplish the business of coparenting.

Once appropriate rules of coparenting engagement (the structure) are defined in the PC process, by explicit, written policies, procedures and protocols, and by the provisions of the parenting plan, the PC's challenge is to implement and maintain these rules (the process). Given the personality characteristics of high conflict coparents, articulately termed "narcissistically vulnerable" by Johnston and Campbell (1988), it should be assumed that parents in the parenting coordination process will challenge and violate these rules. The ongoing work of the PC as being in charge of the rules of engagement is to monitor and maintain these more functional coparenting rules. If they fail in this task, chaos and conflicted engagement will persist and the parenting coordination process will likely fail. The "training" involved in assisting these parents to accept and consistently follow the rules requires the PC's patience, tolerance, persistence and skill, as their clients will employ a variety of strategies to undermine and violate the boundaries the PC sets.

The Parenting Plan as a Disengagement Tool

The initial task of the PC is to work on creating greater specificity in the parenting plan. This work will structurally disengage the coparents, reducing the ongoing business they need to transact to a minimal amount. Custody orders (parenting plans) that come from the court tend to be woefully inadequate for high conflict coparents to effectively implement. Essential areas or "gaps" are often not addressed or court orders leave "gray areas" where interpretation issues flourish and conflict breeds. The lack of detail in the parenting plan about the implementation of the regular schedule, holidays, transitions, protocols for required information exchange, right of first refusal, etc. can necessitate ongoing engagement that these high conflict coparents cannot, nor should be expected to manage. The initial process of reviewing the parenting plan that comes with the PC appointment provides an essential, often collaborative educational and problem-solving exercise where the PC can guide the parents

through the existing plan, adding details that will eliminate the need for engagement, creating default clauses for issues that might avoid future dispute, detailing behavioral protocols for implementing orders (such as transitions, phone calls for the non-custodial parent, exchange of clothing, decision-making about child-related activities, etc.) and, ideally, providing written, up-front consequences for violations of their parenting plan.

This task has numerous benefits for the initial parenting coordination process. First, it provides specific guidance about the time-share schedule to allow coparents to create a calendar of custody for every minute of every day (which should be calendared at intervals to avoid disputes). It trains coparents to work proactively, with several months of custody scheduling, well prior to “crises” occurring due to poor planning and last minute issues arising. Ideally, the school year schedule should be completely calendared as soon as the school schedule is available, and the summer schedule (vacation periods, child activities, holidays, etc.) by mid-spring. Tightening up the schedule disengages the coparents and substantially reduces the potential areas of conflict.

Second, the task of working to improve the utility of the parenting plan usually generates successful agreements between coparents, creating a model of collaborative problem-solving reflected in the modified plan. This experience of success can motivate the parents to engage in the parenting coordination process, despite the despair, hostility and hopelessness reinforced from their previous failures. It enhances the credibility, confidence and trust in the parenting coordination process as a viable alternative to the legal process, which helps build a working alliance with the parents.

Finally, this initial task creates a parenting plan that is a much better guide for implementation. It creates accountability for each coparent through specific behavioral expectations (through communication and decision-making protocols) and provides consequences for violations of those expectations. Working with coparents on what the consequences should be for violations typically allows the PC to temper the parents’ inclination toward punitive outcomes, placing the PC in a more benign, compassionate authority position. Similarly, creating much more detailed and comprehensive coparenting provisions and having “up front” agreed upon consequences for violations of these parenting provisions places the PC in a more depersonalized authority position – not making nearly as many

decisions and ideally implementing agreed upon sanctions to support the parents' directives rather than arbitrarily imposing these sanctions. The structural disengagement accomplished by the parenting plan works hand-in-hand with the PC's ongoing role as the engagement interface between the coparents.

The PC as the Interface between Coparents

Once the PC has created more functional disengagement by adding additional structure to the parenting plan, the ongoing work with the coparents addresses the remainder of the coparenting business that needs to occur. This ongoing work can be broken down into three areas: (1) establishing and maintaining functional information exchange between the coparents; (2) decision-making/dispute resolution; and (3) case management. Like the work on the parenting plan, these aspects of PC work are geared to support a parallel coparenting model.

Establishing and Maintaining Functional Information Exchange Between the Coparents

Initial work on the parenting plan allows some assessment of the coparents' ability to functionally engage, to interact in a businesslike, problem-solving and child-focused manner. If the parents cannot manage face-to-face interaction, the PC may intervene to titrate their engagement. What is crucial to understand is that in order to create a manageable level of engagement, the level of engagement needs to be manageable for the weaker link (the parent who cannot manage a higher level of engagement) in the coparenting dyad. The PC should not expect that the often more vulnerable (which can occur for many reasons) coparent will engage beyond his or her capacity, but rather structure their interaction so that the coparenting unit can interact adequately with a minimum of conflict.

Titration, that is, finding just optimum level of coparenting interaction by the parenting coordination process, involves creating a manageable level of engagement to adequately exchange information and make decisions about child-related issues. The range of engagement (higher to lower) can be from face-to-face dialogue between parents (rare), to face-to-face dialogue in the PC's office (often necessitating considerable structure – meeting agendas, protocols for interactions, etc. – and active intervention with the parents to avoid

escalation of conflict), to phone conferences (which eliminate non-verbal engagement), to email (which is not instantaneous, eliminates verbal engagement, and since written, has accountability), to other less engaged written dialogue (fax and/or mail). Email communication is a particularly valuable modality as it is low on the engagement continuum, while having accountability and the ease of monitoring by the PC (by copying the PC on any emails between coparents). If a parent engages in problematic communication by email, the PC can request that the parent email the PC first, so the PC can review, “edit,” and approve the communication prior to sending it to the other parent. This provides an additional level of disengagement and training in appropriate coparenting communication.

Some coparents require complete disengagement, with the PC acting as the total interface between them. In this model of coparenting, the PC works in a “shuttle diplomacy” model, working individually (in meetings, phone and written formats) with each parent to problem solve, reach agreements, or ultimately make decisions about issues within his/her scope of authority. This complete disengagement effectively sets up a process where each coparent only has to work with the PC (and the custody orders), not the other parent, which is often the only structure, at least initially, that can create a functional parallel parenting model. Operationally, this means that every communication goes through the PC and the parents do not directly communicate except as directed by the PC.

Decision-Making/Dispute Resolution

In many jurisdictions a primary role of the PC is as an alternate dispute resolution process to the courts for parents when issues that arise in the implementation of their parenting plan (Kirkland, this volume). Even if the PC works diligently and comprehensively to provide further detail to close the gaps and gray areas where disputes occur, conflicts still arise, requiring a readily available effective means of resolving these implementation issues. Although the PC role requires well-developed mediation skills, the process more closely resembles a mediation-arbitration model of dealing with issues. Thus, the initial process that attempts to facilitate agreement between the parents about their dispute recognizes that the PC has the authority to make a recommendation or decision about the issue, should they

reach an impasse. The benefit of this context for settling disputes with high conflict coparents is that the PC's views (coming from a consistent, child-focused, reasonable and collaborative stance) have considerable influence in the process, and this settlement-facilitation process can be quickly ended, if the PC determines that it will not be constructive. Unnecessarily prolonging and belaboring the meditative/facilitative phase of dispute resolution keeps the coparents in conflict, often escalating the anger, hostility and acting out that is so toxic to their relationship and their children. Speedy resolution to coparenting issues is one of the most beneficial aspects of the PC role for high conflict coparents.

Assuming the parents are unable to resolve their dispute collaboratively, the PC is often authorized by the court to make a recommendation or binding decision about the issue. This arbitration process should be clearly spelled out in the appointment order, and tends to include more formal procedures to protect the rights of parents to have their input about the issues presented and considered. The PC's role shifts to a "super-parent," assuming the executive role as the parent in the family system, exercising sound parental judgment on behalf of the children. This decision-making process, if correctly performed, trains the parents in effective parenting and coparenting by modeling consistent, child-focused, fair resolutions to issues presented. Whenever the PC can use issues presented as indicative of a need to add more rules and protocols to the parenting plan, they avoid the need to repeatedly address these issues each time they arise. For example, a parent may request to take the children to a wedding or funeral of a close family member, necessitating some switch of custodial time. Their coparent may unreasonably reject the request for this exchange. The PC should both resolve the immediate issue, by perhaps deciding that the parents will switch their custodial weekends to allow the children to attend the special family event, and also add a provision in the parenting plan that articulates what the protocol will be in the future if either parent makes such a request. The parenting plan provision will then include details of how the request should be made, the timing of response by the other parent, how compensatory time is handled, and how "special family event" is defined. For instance, what are the parameters of "family" and what are the criteria for "event" (wedding, funeral, special religious activity, etc.) that would qualify for inclusion in this provision? Helping parents to move from issue by issue dispute resolution to problem-solving classes of

issues is an important component of limiting their engagement with each other (and the PC eventually working him/herself out of a job).

Documentation is a critical component of the decision-making process. Whether disputed issues are resolved by agreement of the parents or by PC decision, the process of memorializing these decisions supports the parallel parenting model. Written decisions (and protocols for handling future issues) should be specific enough to provide clear guidance to the coparents to implement. This avoids additional disputes arising out of different interpretations of the decision (a common area of dispute with high conflict coparents), assists the PC in dealing with alleged violations and decreases the reliance on the parenting coordination process. Documentation of agreements and decisions should be kept in the PC's file (filed with the court, if mandated) and disseminated to everyone (with the exception of the child) who is impacted by the decision, with prior authorization. Besides the parents, this may include third parties, such as attorneys, physicians, mental health professionals, school principals, etc.

Case Management

The PC's coordination role in the case is a powerful tool in their disengagement arsenal. This PC function involves the management of the coparenting relationship, such as the structure of their engagement, the implementation the parenting plan, which may include modifications (as directed by the court) due to anticipated changes in the family situation and management of the professional and non-professional involvement of those in the community who surround the family. High conflict coparents are often overwhelmed by these coordination demands, and avoid dealing with childrearing issues, neglecting to provide essential support for their child and/or creating engagement with each other that escalates and maintains their conflict.

Parenting plans do not come with instructions and PCs can assist coparents with guidance and direction about how they should interact (with a level of engagement that is manageable and functional), when they should interact (daily, weekly, monthly, twice yearly), and with what procedures. The principles that should guide PCs in this case management function should include being proactive, predictable, planful, respectful and businesslike. A specific example of managing and structuring the business of coparenting is designing a protocol

to calendar the custody timeshare. When all the necessary information is available – the detailed provisions in the parenting plan that address the regular timeshare, holidays and vacations, the school calendar is issued and proposals for summer activities and vacations are ready to be presented – the PC should work with the parents to implement the protocol to manage their custody schedule on an ongoing basis. This timeshare management is successful after a calendar, based on the parenting plan, is finalized for the child(ren) that specifies, well in advance, where they will be every hour of every day for the school year and summer. These two periods are best addressed in the early fall (by mid-September) and early spring (by April), respectively. This timeshare management protocol trains the coparents to be proactive, dealing with schedules before they become issues or “crises,” and allows more flexibility to optimize the schedule because there are many opportunities to give and take across several months. Productive timeshare management creates a forum to teach negotiation, and with the PC’s involvement, builds some trust in taking risks necessary for trust to build. As the process continues, these coparents learn to take on more responsibility for aspects of this protocol. They begin to work together on their own to agree to as much of the schedule as possible, only involving the PC for their disputed issues and start to share (alternating) the responsibility to document the schedule, by providing a calendar for review and approval by the other parent and PC. This type of “weaning” from more hands-on intensive interventions of the PC builds more independent coparent functioning by gradually replacing the involvement of the PC with coparent rules and structures created in the parenting coordination process.

These parents and children are surrounded by a system of extended family, professionals (legal, mental health, medical, educational, etc.) and non-professionals (friends, faith-based community, coaches, etc.) who should all be considered part of a “collaborative team” by the PC. These collaborative teams, even if comprised of competent community members, do not run themselves and are subject to being negatively impacted by the high conflict dynamics of the family system (Johnston & Roseby, 1988). The coordination of the individuals in this surrounding system is also a part of the PC’s case management function. Sullivan and Kelly (2001) more specifically address how the PC role is uniquely suited to manage the involvement of these teams in high conflict coparenting cases. These authors provide general principles of collaborative team functioning that include what to

consider when building a collaborative team of professionals and non-professionals, and how to manage aspects of team functioning such as communication (including the issue of confidentiality), hierarchy, team roles and monitoring team goals and objectives. Successful management of those in the community significantly involved with the family ideally creates and maintains a child-focused, collaborative system necessary to address the polarities and conflict that typically exist in the family system.

CONCLUSION

The efforts of the PC that promote or maintain higher levels of engagement may do more harm than good in high conflict child custody cases. Instead the goals of parenting coordination work should be to structurally disengage high conflict coparents using the multiple functions unique to the PC role – increasing the specificity of the parenting plan, operating as the interface for the communication between coparents to titrate their interaction so that they can manageably conduct the business of coparenting – optimizing child-focused information exchange and decision-making – and providing case management that organizes coparents to operate in a parallel coparenting manner and those involved in their surrounding context to operate in a collaborative manner. If these goals can be attained in the parenting coordination process, there is some support in the literature that coparents and their children may be well served by parenting coordination.

Questions remain, however, about whether the parenting coordination process is effective at disengaging all high conflict coparents. Without appropriate structure and boundaries in the parenting coordination process, one of its beneficial aspects, its easy accessibility, can become a forum to maintain a high level of engagement and conflict. This is a particular concern when issues of inequities in power and control typical in violent families exist. Also, even when effective in disengaging coparents, if the process does not encapsulate the toxic aspects of conflict on children – loyalty tensions, denigration of the image of the other parent, alienation, etc. – those factors may still negatively impact children's adjustment even when a PC is accomplishing the goals addressed in this article. Finally, the current article does not

address “parenting” issues that are relevant to children’s adjustment and, therefore, to PC interventions – how to deal with problem parenting and how it impacts the coparenting dynamics and children’s adjustment in high conflict situations. Clearly, parenting and coparenting are not independent variables impacting children and the relationship of these functions is likely complex and poorly understood. Research focused on these questions could enhance our understanding of the utility of and provide guidance to the development of the PC role. The expansion of research on parenting coordination work will hopefully support its burgeoning use and build a body of outcome data to support the legitimacy of this role as a useful part of the spectrum of interventions available to high conflict post-divorce families.

REFERENCES

- Adamsons, K., & Pasley, K. (2006). Coparenting after divorce and relationship dissolution. In M.A. Fine & J.H. Harvey (Eds.) *Handbook of divorce and relationship dissolution* (pp. 241–263). New Jersey: Lawrence Erlbaum Associates.
- Ahrons, C., & Rogers, R.H. (1987). *Divorced families: A multidisciplinary developmental view*. Markham, Ontario: Penguin.
- Ahrons, C., & Wallisch, L. (1987). The relationship between former spouses. In D. Perlman & S.S. Duck (Eds.) *Intimate relationships: Development, dynamics and deterioration* (pp. 269–296). Newbury Park, CA: Sage.
- Amato, P. (2000). The consequences of divorce for adults and children. *Journal of Marriage and the Family*, 62, 1269–1288.
- Association of Family and Conciliation Courts Task Force on Parent Coordination (AFCC) (2003). Parent coordination: Implementation issues. *Family Court Review*, 41(4), 533–564.
- Association of Family and Conciliation Courts Task Force on Parenting Coordination (AFCC) (2006). Guidelines for parenting coordinators. *Family Court Review*, 44(1), 164–181.
- Coates, C.A., Deutsch, R., Starnes, H., Sullivan, M.J., & Sydlik, B. (2004). Parenting coordination for high-conflict families. *Family Court Review*, 42, 246–262.
- Feinberg, M.E. (2003). The internal structure and ecological context of coparenting: A framework for research and intervention. *Parenting: Science and Practice*, 3, 95–131.
- Heatherington, E.M. (2003). Intimate pathways: changing patterns in close personal relationships over time. *Family Relations*, 52, 318–331.
- Heatherington, E.M., & Stanley-Hagen, M.M. (1995). Parenting in divorced and remarried families. In M.H. Bornstein (Ed.) *Handbook of Parenting* (Vol. 3, pp. 233–254). Hillsdale, NJ: Lawrence Erlbaum Associates.

- Johnston, T. (1994). *Summary of research on the decrease of court involvement after the appointment of a special master*. Unpublished report.
- Johnston, J.R., & Campbell, L. (1988). *Impasses of divorce: the dynamics and resolution of family conflict*. New York: Free Press.
- Johnston, J.R., & Roseby, V. (1997). *In the name of the child: A developmental approach to understanding and helping children of conflicted and violent divorce*. New York: Free Press.
- Kelly, J.B. (2000). Children's adjustment in conflicted marriage and divorce: A decade of research. *Journal of the American Academy of Child and Adolescent Psychiatry*, 39, 963–973.
- Kelly, J.B. (2007). Children's living arrangements follow separation and divorce: Insights from empirical and clinical research. *Family Process*, 46, 35–52.
- Kelly, J.B., & Emery, R. (2003). Children's adjustment following divorce: Risk and resiliency perspectives. *Family Relations*, 52, 352–362.
- Kirkland, K., & Kirkland, K.E., (2006). Risk management and aspirational ethics for parenting coordinators. *Journal of Child Custody*, 3(2), 23–43.
- Kirkland, K., & Sullivan, M., (2008). Parenting coordination practice: A survey of experienced professionals. *Family Court Review*, in press.
- Maccoby, E.E., Depner, C.E., & Mnookin, R.H. (1990). Coparenting in the second year after divorce. *Journal of Marriage and the Family*, 52, 141–155.
- Maccoby, E.E., & Mnookin, R.H. (1992). *Dividing the child: Social and legal dilemmas in custody*. Cambridge, MA: Harvard University Press.
- McHale, J.P. (1997). Overt and covert coparenting processes in the family. *Family Process*, 36, 183–201.
- McHale, J.P., Khazan, I., Erera, P., Rotman, T., DeCoursey, W., & McConnell, M. (2002). Coparenting in diverse family systems. In M. Bornstein (Ed.) *Handbook of parenting* (pp. 75–107) (2nd Ed.). New Jersey: Erlbaum.
- Minuchin, S. (1974). *Families and family therapy*. Cambridge, MA: Harvard University Press.
- Pruett, M.K., Williams, T.Y., Insabella, G., & Little, T.D. (2003). Family and legal indicators of child adjustment among families with young children. *Journal of Family Psychology*, 17(2), 169–180.
- Sullivan, M.J. (2004). Ethical, legal and professional practice issues involved in acting as a parenting coordinator in child custody cases. *Family Court Review*, 42(3), 576–582.
- Sullivan, M.J., & Kelly, J.B. (2001). Legal and psychological case management with an alienated child. *Family Court Review*, 39, 299–315.
- Vick, M., & Backerman, R. (1996). *Mediation arbitration: Surveys of professionals and clients*. Paper presented at the Boulder Interdisciplinary Committee on Child Custody, Boulder, CO.

SUBMITTED: June 14, 2007

REVISED: January 5, 2008

ACCEPTED: March 1, 2008

This page intentionally left blank

HIGH CONFLICT DIVORCE DYNAMICS

Marcy A. Pasternak, Ph.D.

Family Dynamics, Cultural Influences, Family Of Origin Issues

- High-Conflict relationships most often begin prior to separation & ensuing litigation.
 - Arguing, yelling
 - DV- Evaluate: Real vs. Divorce-related
 - Trial separations
- Often ensue throughout the marriage

EXTENDED FAMILY INVOLVEMENT

- INTRUSIVE GRANDPARENTS
- PARENTS UNABLE TO SEPARATE FROM THEIR PARENTS- LOYALTY
- CULTURAL ISSUES

Grandparents move in or nearby
Different degrees of assimilation &
acculturation into American culture

IDENTIFYING HIGH-CONFLICT LITIGATION

- COVERT ACTING-OUT THROUGH CHILDREN

Passive-Aggressive

Clothing

Gatekeeping

Rigid/Inflexible

Withhold Information

Refuse to communicate/Block access

IDENTIFYING HIGH-CONFLICT

Unilateral decision-making

Premature introductions to significant others

- **OVERT ACTING OUT THROUGH CHILDREN**

Children witness fighting

Over-react, negative, monitor other parent

OVERT ACTING-OUT

- Nothing positive about other parent
- Denigration of other parent
- Refers to parent in 3rd person
- Refers to parent by derogatory name
- Black & white thinking/splitting
- Takes no responsibility- no insight
- Records children

IDENTIFYING HIGH CONFLICT

- Competitive parents- win/lose mentality
- Hatred for other parent stronger than best interest of the child
- Spousal roles confused with child roles- whose divorce is it anyway?
- False allegations
 - DV, Child abuse, Sex abuse, pornography
- Alienating Behaviors

SOURCES OF PARENT-CHILD RELATIONSHIP PROBLEMS

- WHAT IS GATEKEEPING

Justified Restrictive- Protection for
realistic problems

Unjustified Restrictive- alienating behavior

Facilitative

CONTINUUM OF ALIGNMENTS

- Affinity
- Alignment/Loyalty
- Alienation
- Realistic Estrangement
- Hybrid-Realistic Estrangement & Alienating behavior

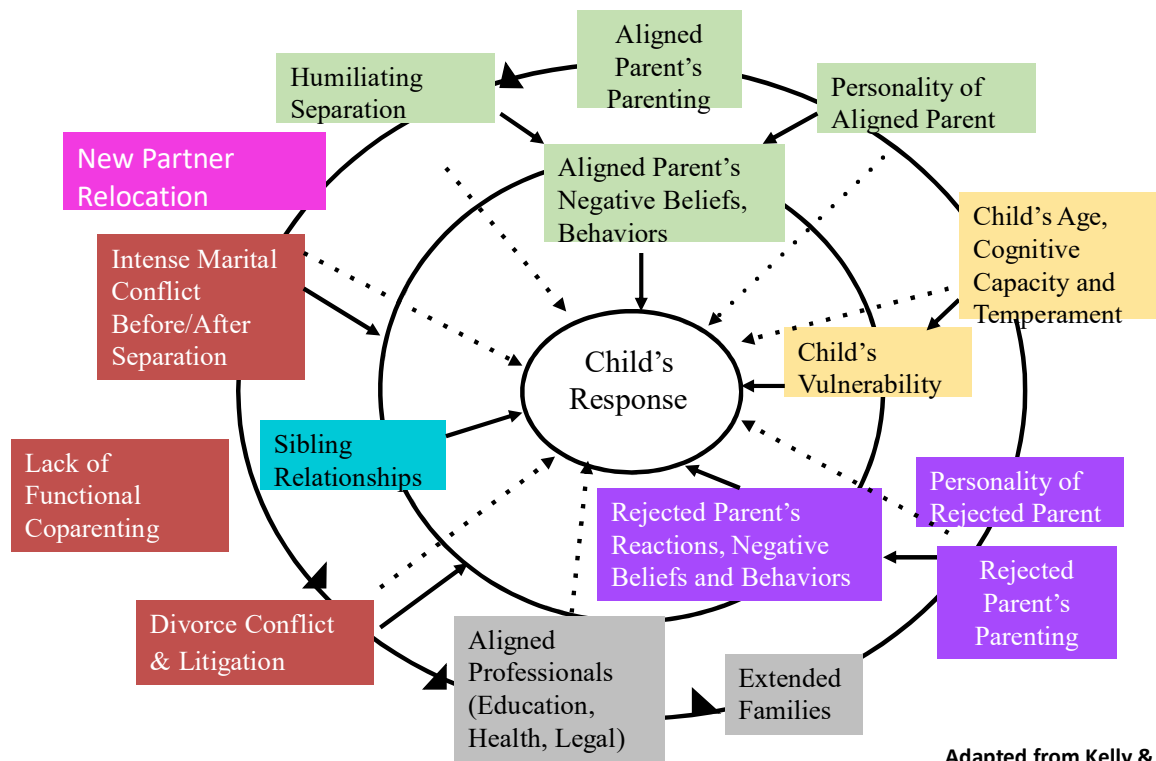
REASONS FOR ALIGNMENTS

- Identification with the aggressor
- Promises of no rules; Gifts at one home
- Parentification
 - Depressed, non-functioning parent
 - Parent's Condiant
- Child's developmental level- Right/Wrong
- Victim vs. Bully
- Privy to inappropriate information
- Triangulation

LEVELS OF SEVERITY- PCCP

- Mild
- Moderate
- Severe

MULTIFACTORIAL APPROACH TO PCCP



Adapted from Kelly & Johnston, 2001

DYNAMICS OF PCCP: HOW CHILDREN PRESENT

- RED FLAGS- THE 10 R'S

Radical/Exaggerated statements

Revision of History

Relatives rejected

Remorse is absent

Reconciliation is rejected

THE 10 R'S

- **Reactions** unjustified or disproportionate
- **Reasons** are trivial, frivolous, or false
- **Rigid** views
- **Repeat** same stories; borrowed scenarios
- **Rehearsed**; words don't match emotions

Richard Gardner, MD; Robin Deutsch, Ph.D.

IMPACTS ON CO-PARENTING

- Prevents Effective Co-parenting
- Promotes splitting
- Black & White Thinking

IMPACT ON CHILD'S ADJUSTMENT & WELL-BEING

- Must take a Side
- Loss of Important parental relationship & often extended family

LONG-TERM IMPACT ON CHILDREN

- Affects Future Intimate relationships
- Inter-generational Effects
- Boomerang Effect- Dr. Robert Emery
- Reports from adults w/history of PCCP

Dr. Amy Baker

MANAGEMENT STRATEGIES, TREATMENT/INTERVENTIONS

- OUTPATIENT

Separate children in therapy sessions

Activities- not just talk

Family Systems approach

Intake

Often court-Ordered

Work with a treatment team

Apologies; creating a new narrative

FAMILY INTENSIVE INTERVENTIONS

- Often multi-day; family Systems approach
- Intake
- Therapy- all combinations
- Psychoeducation; use of media
- Activities
- Team approach

OTHER INTERVENTIONS

- Court reverses custody
- Supervised parenting time
- Therapeutic Good-Bye (for now)

CONTACT INFORMATION

- Marcy A. Pasternak, Ph.D.
- Marcypasternak@gmail.com
- (908) 769-7949

This page intentionally left blank

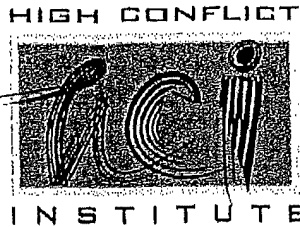
CoParenting Conflict Management

- How Disengaged Parallel Parenting Works:
 - Parents develop a highly detailed parenting plan (examples in appendix)
 - Co-parenting engagement in cyberspace (shared calendars; emails) to minimize in-person communication (email rules in appendix; shared calendar resources in appendix)
 - Parents disengage and have little or no interactions with each other. *Parents will avoid face-to-face communication wherever possible.*
 - Polite, businesslike, but not personal – There is a wall between your parenting relationship and the rest of your personal life; nothing personal is shared with the other parent
 - Nothing is assumed, everything is spelled out in the parenting plan
 - The schedule is written down in detail and placed on a calendar. *Nothing is left open to interpretation, because loopholes breed conflict.*
 - In order to minimize conflict, there is no assumption of flexibility in scheduling.
 - When parents do need to share information with each other, parents use e-mail, fax (if there is privacy where the fax is received), a parenting notebook or a pre-appointed third party (never the child). Telephone and text communication is reserved for time-sensitive matters such as emergencies.
 - Transition times take place at school, day care or activities to minimize parental and parental face-to-face contact with each other.

- Parents work independently for the best interests of their child.
- Each parent's household functions independently; each parent is responsible for making decisions about the child during the time that the child is in that parent's household. *Don't tell the other parent how to parent!*
- When co-parents need to meet to discuss a co-parenting matter, meetings are public and formal, not private, and scheduled by appointment at a mutually convenient time.
- Meetings and calls should take place during regular working hours and last no more than thirty minutes.
- Following meetings or communications, the parent initiating should send the other parent a written summary of understanding reached and the other parent should send back a confirming understanding, that includes any different understandings, if any.
- Meetings may require the presence of a third party.
- As much as possible, each parent bears the responsibility for getting information about the child, i.e., each parent is responsible for contacting the school for notice of meetings, report cards, etc.
- If any substantial deviation or change from the agreed-upon plan or order is requested, negotiations will take place with the assistance of a pre-determined neutral.
- How Co-parenting Business Meetings Work
 - Emphasize that emotional safety during meeting is priority #1.
 - Topic and agenda of meeting shared in advance.
 - Emphasize mutual goals, especially keeping the children safe from the harmful effects of conflict.
 - Topics presented as proposals for co-parenting agreements rather than sources of co-parenting problems.
- Keys to successful Co-Parent Business Meetings

- **Topic management – with emotions running high and minds racing, it is difficult to stay on one topic. Parents need to share responsibility to keep the conversation on one issue/proposal at a time.**
- **Expect that progress will be made in small steps with setbacks and situational crises**

This page intentionally left blank



Responding to Hostile Mail (B.I.F.F.)

By Bill Eddy, LCSW, Esq.

© 2007 by High Conflict Institute

Hostile mail – especially email – has become much more common over the past decade. Most of this mail is just “venting,” and has little real significance. However, when people are involved in a formal conflict (a divorce, a workplace grievance, a homeowners’ association complaint, etc.) there may be more frequent hostile mail. There may be more people involved and it may be exposed to others or in court. Therefore, how you respond to hostile mail may impact your relationships or the outcome of a case.

Do you need to respond?

Much of hostile mail does not need a response. Letters from (ex-) spouses, angry neighbors, irritating co-workers, or attorneys do not usually have legal significance. The letter itself has no power, unless you give it power. Often, it is emotional venting aimed at relieving the writer’s anxiety. If you respond with similar emotions and hostility, you will simply escalate things without satisfaction, and just get a new piece of hostile mail back. In most cases, you are better off not responding. However, some letters and emails develop power when copies are filed in a court or complaint process – or simply get sent to other people. In these cases, it may be important to respond to inaccurate statements with accurate statements of fact. If you need to respond, I recommend a B.I.F.F. response: Be Brief, Informative, Friendly and Firm.

BRIEF

Keep your response brief. This will reduce the chances of a prolonged and angry back and forth. The more you write, the more material the other person has to criticize. Keeping it brief signals that you don’t wish to get into a dialogue. Just make your response and end your letter. Don’t take their statements personally and don’t respond with a personal attack. Avoid focusing on comments about the person’s character, such as saying he or she is rude, insensitive, or stupid. It just escalates the conflict and keeps it going. You don’t have to defend yourself to someone you disagree with. If your friends still like you, you don’t have to prove anything to those who don’t.

INFORMATIVE

The main reason to respond to hostile mail is to correct inaccurate statements which might be seen by others. “Just the facts” is a good idea. Focus on the accurate statements you want to make, not on the inaccurate statements the other person made. For example: “Just to clear things up, I was out of town on February 12th, so I would not have been the person who was making loud noises that day.”

Avoid negative comments. Avoid sarcasm. Avoid threats. Avoid personal remarks about the other’s intelligence, ethics or moral behavior. If the other person has a “high conflict personality,” you will have no success in reducing the conflict with personal attacks. While most people can ignore personal attacks or might think harder about what you are saying, high conflict people feel they have no choice but to respond in anger – and keep the conflict going. Personal attacks rarely lead to insight or positive change.

FRIENDLY

While you may be tempted to write in anger, you are more likely to achieve your goals by writing in a friendly manner. Consciously thinking about a friendly response will increase your chances of getting a friendly – or neutral – response in return. If your goal is to end the conflict, then being friendly has the greatest likelihood of success. Don’t give the other person a reason to get defensive and keep responding.

This does not mean that you have to be overly friendly. Just make it sound a little relaxed and non-antagonistic. If appropriate, say you recognize their concerns. Brief comments that show your empathy and respect will generally calm the other person down, even if only for a short time.

FIRM

In a non-threatening way, clearly tell the other person your information or position on an issue. (For example: “That’s all I’m going to say on this issue.”) Be careful not to make comments that invite more discussion, unless you are negotiating an issue or want to keep a dialogue going back and forth. Avoid comments that leave an opening, such as: “I hope you will agree with me that ...” This invites the other person to tell you “I *don’t* agree.”

Sound confident and don’t ask for more information, if you want to end the back-and-forth. A confident-sounding person is less likely to be challenged with further emails. If you get further emails, you can ignore them, if you have already sufficiently addressed the inaccurate information. If you need to respond again, keep it even briefer and do not emotionally engage. In fact, it often helps to just repeat the key information using the same words.

Example

Joe’s email: “Jane, I can’t believe you are so stupid as to think that I’m going to let you take the children to your boss’ birthday party during my parenting time. Have you no memory of the last six conflicts we’ve had about my parenting time? Or are you having an affair with him? I always knew you would do anything to get ahead! In fact, I remember coming to your office party witnessing you making a total fool of yourself – including flirting with everyone from the CEO down to the mailroom kid! Are you high on something? Haven’t you gotten your finances together enough to support yourself yet, without flinging yourself at every Tom, Dick and Harry? ...” [And on and on and on.]

Jane: “Thank you for responding to my request to take the children to my office party. Just to clarify, the party will be from 3-5 on Friday at the office and there will be approximately 30 people there – including several other parents bringing school-age children. There will be no alcohol, as it is a family-oriented firm and there will be family-oriented activities. I think it will be a good experience for them to see me at my workplace. Since you do not agree, then of course I will respect that and withdraw my request, as I recognize it is your parenting time.” [And that’s the end of her email.]

Comment: Jane kept it brief, and did not engage in defending herself. Since this was just between them, she didn’t need to respond. If he sent this email to friends, co-workers or family members (which high conflict people often do), then she would need to respond to the larger group with more information, such as the following:

Jane: “Dear friends and family: As you know, Joe and I had a difficult divorce. He has sent you a private email showing correspondence between us about a parenting schedule matter. I hope you will see this as a private matter and understand that you do not need to respond or get involved in any way. Almost everything he has said is in anger and not at all accurate. If you have any questions for me personally, please feel free to contact me and I will clarify anything I can. I appreciate your friendship and support.” [And that’s it: B.I.F.F.]

Conclusion

Whether you are at work, at home or elsewhere, a B.I.F.F. response can save you time and emotional anguish. The more people who handle hostile mail in such a manner, the less hostile mail there will be.

Bill Eddy is an attorney, mediator and therapist, and the author of several books including *SPLITTING: Protecting Yourself While Divorcing Someone with Borderline or Narcissistic Personality Disorder* (New Harbinger, 2011) and *It’s All YOUR Fault! 12 Tips for Managing People Who Blame Others for Everything* (HCI Press, 2008). A new book on this subject is now available! *BIFF: Quick Responses to High Conflict People, Their Personal Attacks, Hostile Email and Social Media Meltdowns* (HCI Press, 2011). www.HighConflictInstitute.com.

This does not mean that you have to be overly friendly. Just make it sound a little relaxed and non-antagonistic. If appropriate, say you recognize their concerns. Brief comments that show your empathy and respect will generally calm the other person down, even if only for a short time.

FIRM

In a non-threatening way, clearly tell the other person your information or position on an issue. (For example: "That's all I'm going to say on this issue.") Be careful not to make comments that invite more discussion, unless you are negotiating an issue or want to keep a dialogue going back and forth. Avoid comments that leave an opening, such as: "I hope you will agree with me that ..." This invites the other person to tell you "I don't agree."

Sound confident and don't ask for more information, if you want to end the back-and-forth. A confident-sounding person is less likely to be challenged with further emails. If you get further emails, you can ignore them, if you have already sufficiently addressed the inaccurate information. If you need to respond again, keep it even briefer and do not emotionally engage. In fact, it often helps to just repeat the key information using the same words.

Example

Joe's email: "Jane, I can't believe you are so stupid as to think that I'm going to let you take the children to your boss' birthday party during my parenting time. Have you no memory of the last six conflicts we've had about my parenting time? Or are you having an affair with him? I always knew you would do anything to get ahead! In fact, I remember coming to your office party witnessing you making a total fool of yourself – including flirting with everyone from the CEO down to the mailroom kid! Are you high on something? Haven't you gotten your finances together enough to support yourself yet, without flinging yourself at every Tom, Dick and Harry? ..." [And on and on and on.]

Jane: "Thank you for responding to my request to take the children to my office party. Just to clarify, the party will be from 3-5 on Friday at the office and there will be approximately 30 people there – including several other parents bringing school-age children. There will be no alcohol, as it is a family-oriented firm and there will be family-oriented activities. I think it will be a good experience for them to see me at my workplace. Since you do not agree, then of course I will respect that and withdraw my request, as I recognize it is your parenting time." [And that's the end of her email.]

Comment: Jane kept it brief, and did not engage in defending herself. Since this was just between them, she didn't need to respond. If he sent this email to friends, co-workers or family members (which high conflict people often do), then she would need to respond to the larger group with more information, such as the following:

Jane: "Dear friends and family: As you know, Joe and I had a difficult divorce. He has sent you a private email showing correspondence between us about a parenting schedule matter. I hope you will see this as a private matter and understand that you do not need to respond or get involved in any way. Almost everything he has said is in anger and not at all accurate. If you have any questions for me personally, please feel free to contact me and I will clarify anything I can. I appreciate your friendship and support." [And that's it: B.I.F.F.]

Conclusion

Whether you are at work, at home or elsewhere, a B.I.F.F. response can save you time and emotional anguish. The more people who handle hostile mail in such a manner, the less hostile mail there will be.

Bill Eddy is an attorney, mediator and therapist, and the author of several books including *SPLITTING: Protecting Yourself While Divorcing Someone with Borderline or Narcissistic Personality Disorder* (New Harbinger, 2011) and *It's All YOUR Fault! 12 Tips for Managing People Who Blame Others for Everything* (HCI Press, 2008). A new book on this subject is now available! *BIFF: Quick Responses to High Conflict People, Their Personal Attacks, Hostile Email and Social Media Meltdowns* (HCI Press, 2011). www.HighConflictInstitute.com.

This page intentionally left blank



Making Proposals

© 2013 by Bill Eddy, LCSW, Esq.

Any problem in the past can be turned into a proposal about the future. Proposals don't have to be complicated. You can just blurt one out during a conversation with anyone or during a meeting with any group. Proposals get attention, because they are solutions to past problems by focusing on the future. Most of us are relieved to talk about the future, rather than what we've done wrong in the past. On the other hand, most of us easily slip into talking about the past – or even get stuck talking about the past – including what everyone else has done wrong. This article focuses on how to make proposals in a way that is easy and can be done at any time.

WHAT'S IN A PROPOSAL?

Ideally, proposals will include:

- Who** does
- What**
- When** and
- Where**

For example: "I propose that you be the one who picks up Johnny after school and takes him to his soccer practice. Then, you can keep him overnight and bring him back to school the next morning."

This is much better than saying: "You never took Johnny to any of his soccer practices. You always left it up to me. Then you showed up on Saturday at his games and made it look like you were such an involved parent. I want some respect here for all that I've done!" And then the other parent attacks back: "You never gave me a chance...." And on and on.

Can you see how it would have been so much simpler to just ask for what you wanted in the future by making a proposal? It saves all of the blame and defensiveness that people get stuck in talking about the past.

So proposals are always about the future. They are not about the past or about the other person's intentions or *Why* they made the proposal. *Why* questions easily turn into a criticism of the other person's proposal. "*Why* did you say that?" It really means: "I think that's a bad idea." And of course, if you think a proposal is a bad idea, then the best thing to do is to make another proposal – until you can both agree on something.

PROPOSING SOLUTIONS TO PROBLEMS

Most problems have many solutions. For example, here are some:

In a divorce dispute: "If you're going to be late after work all the time to pick up the kids on Fridays, then I propose we just change the pickup time to a more realistic time. Instead of 5pm, let's make it 6:30pm."

And the other person might propose: "I'm going to talk to my boss and see if I can get out earlier on Fridays. I'll let you know in a week. If not, then I'll agree to your proposal. If I can, then let's just leave it the way it's scheduled now."

Or in a workplace dispute: "I propose that we talk to our manager about finding a better cubicle for you, since you have so many phone calls that need to be made and I often hear them."

And the other person might propose: "I can try to make my phone calls when you're away from your cubicle. I know you're in and out. Are there any regular times that you're away each day?"

These people can keep making proposals back and forth until they can agree on something. If each proposal takes into account what the other person was concerned about, then there is a good chance for success. It's just a matter of time before they can fit their concerns together.

ASK QUESTIONS ABOUT A PROPOSAL

After one person has made a proposal, the other person may not be sure whether they can agree or not. Therefore, it often helps to ask questions. One of the best questions is to ask "What would your proposal look like in action?" This way you can get clearer on the Who, What, Where and When of the proposal. You might even ask: "What's your picture of how this would work? What would you do? What would I do, if you could picture your proposal actually happening?"

But of course, you don't want to ask "Why" questions, because that usually starts up the defensiveness. And if someone's defensiveness is triggered, then it makes it hard for them to think of solutions to problems. Why questions are usually really criticisms, not questions.

Responding with YES, NO, or I'LL THINK ABOUT IT

Once you've heard a proposal and asked any questions about it, all you have to do to respond to such a proposal is say: "Yes." "No." or "I'll think about it." You always have the right to say: "Yes." "No." or "I'll think about it." Of course, there are consequences to each choice, but you always have these three choices at least. Here's some examples of each:

YES: "Yes, I agree. Let's do that." And then stop! No need to save face, evaluate the other person's proposal, or give the other person some negative feedback. Just let it go. After all, if you have been personally criticized or attacked, it's not about you. Personal attacks are not problem-solving. They are about the person making the hostile attack. You are better off to ignore everything else.

NO: "No, I don't want to change the pickup time. I'll try to make other arrangements to get there on time. Let's keep it as is." Just keep it simple. Avoid the urge to defend your decision or criticize the other person's idea. You said no. You're done. Let it drop.

I'LL THINK ABOUT IT: "I don't know about your proposal, but I'll think about it. I'll get back to you tomorrow about your idea. Right now I have to get back to work. Thanks for making a proposal." Once again, just stop the discussion there. Avoid the temptation to discuss it at length, or question the validity of the other person's point of view. It is what it is.

When you say "I'll think about it," you are respecting the other person. It calms people down to know you are taking them seriously enough to think about what they said. This doesn't mean you will agree. It just means you'll think about it.

MAKE A NEW PROPOSAL: After you think about it, you can always make a new proposal. Perhaps you'll think of a new approach that neither of you thought of before. Try it out. You can always propose anything. (But remember there are consequences to each proposal.) And you can always respond: "Yes." "No." or "I'll think about it." (And there are consequences to each of those choices, too.)

AN EXAMPLE

William and Natasha have a four-year-old daughter, Halle. They recently separated and have a hard time talking to each other right now, because they usually argue. However, they both love Halle and want the best for her. They need to decide how they will share parenting time with Halle. They are going to meet with a Family Mediator to help them reach an agreement. They are each to prepare a proposal and have each read articles that say different things about the best parenting plan.

Natasha has read that young children should have the stability of one primary parent, with the active involvement of the other parent. The article said this is especially true with children up to age 3 or older. William has read an article that recommended sharing parenting 50-50. It seemed to suggest that this works best after children are at least 5 years old.

They were both told by their Family Mediator that the best plan is always one that both parents can agree upon. The children should feel that their schedule is normal and routine, and that their parents aren't always stressed out or fighting over the schedule. Neither William or Natasha want to keep fighting about this.

Here are their initial proposals:

Natasha's First Proposal: *"I read an article that says its best for young children to have one primary household, but that the other parent is involved every week. So I propose that Halle live with me most of the time, but that she spend one day and overnight each week with you. In my proposal you would also have half of the major holidays each year, then we could alternate the following year."*

William's Question: *"I have a question about your proposal. What day and overnight were you picturing that I would have each week?"*

Natasha: *"I was thinking you'd have Friday nights and all day Saturdays each week."*

William's Response: *"Ok, I think I understand your proposal. I would say No to that, as I read an article that says that it's best for children to have approximately equal time with each parent."*

William's First Proposal: *"I propose that Halle spend 6 days and nights with me in a two-week period, so you would have 8 nights in the same period, as I recognize she's been with you more of the time up to now. After she's five, I'd like a 50-50 schedule, so this would be a transition."*

Natasha's Question: *"Which nights would you be thinking of having with her?"*

William: *"I'd like a weekday overnight every week – like Wednesdays – and I would alternate weekends Friday at 5pm through Monday morning back to daycare one weekend and Friday overnight the other weekend."*

Natasha's Response: *"Well, my answer to that would be No. I think she's way too young to be spending that much time away from me, as I've been her primary caregiver for all these years. And*

that just seems like too much back and forth for a girl that young. However, I might be willing to consider that she spend a little more time with you, especially as she gets older.

William: *"But I want to be fully involved in her growing up – weekdays with her schoolwork as well as weekends. So here's another proposal..."*

These are at least 3 possible proposals for William to make now. No one proposal is right for everyone's situation, and there is usually more than one solution to a problem. Here are a few:

Option 1: 3 nights/11 nights in two weeks

William's New Proposal: *"I would agree to have three nights every two weeks. I would have Wednesdays overnight every week and Friday night and all day Saturday every other week."*

Option 2: 4 nights/10 nights in two weeks

William's New Proposal: *"I would agree to have four nights every two weeks. I would have Wednesdays overnight every week and alternate weekends from Friday at 5pm to Sunday at 5pm."*

Option 3: 5 nights/9 nights in two weeks

William's New Proposal: *"I would agree to have five nights every two weeks. I would have Wednesdays overnight every week and alternate weekends from Friday at 5pm to Monday back to school."*

Some parents would agree on Option 1, some on Option 2 and others on Option 3. The reality is that there is not a huge difference between these options. William and Natasha could go back and forth asking questions of each other and making proposals until they reach an agreement – with the assistance of a mediator, collaborative professionals, a therapist or lawyers. The idea is that the process of making proposals helps build an agreement that can end up working the best for the people involved. Be patient and creative, and you can probably come up with a good solution.

CONCLUSION: AVOID MAKING IT PERSONAL

In the heat of the conflict, it's easy to react and criticize the other person's proposals—or even to criticize the other person personally, such as saying that he or she is arrogant, ignorant, stupid, crazy or evil. It's easy and natural to want to say: "You're so stupid it makes me sick." Or: "What are you, crazy?" "Your proposal is the worst idea I have ever heard." But if you want to end the dispute and move on, just ask for a proposal and respond with "Yes" "No" or "I'll think about it."

Bill Eddy is the author of several books, including *BIFF: Quick Responses to High Conflict People* and *SPLITTING: Protecting Yourself While Divorcing Someone with Borderline or Narcissistic Personality Disorder*. He is also the President of the High Conflict Institute in San Diego, California, which provides training to professionals and consultation for anyone dealing with high-conflict disputes. His website is: www.HighConflictInstitute.com.



Working with Resistance in New Ways for Families™ Programs

© 2011 by Bill Eddy, LCSW, Esq.

High-conflict people are highly defensive, so that negative feedback tends to trigger defensiveness rather than insight, and shuts down opportunities for teaching new skills. Therefore, working effectively with “resistance” to *any* feedback and criticism is one of the central issues of helping high-conflict people. Because of this defensiveness, they frequently deny that they have any problems and resist every effort that counselors and other professionals make to help them – even in their own self-interest.

Rather than engage in the usual “tug-of-war” with this resistance (which the clients are very used to), New Ways Counselors are encouraged to “dance” with the resistance, or to “go with the resistance” – by non-judgmentally exploring and discussing the client’s concerns while providing information, rather than arguing with or confronting the client.

The following dialog is meant to help demonstrate these principles about resistance:

- 1) Don’t argue with the client
- 2) Don’t try to lead the client to have insights about his or her past behavior
- 3) Focus on helping the client learn to use the skills of New Ways for Families in the future
- 4) The burden of solving the client’s problems is always on the client, not the counselor
- 5) The counselor emphasizes giving information, giving choices and giving encouragement

In this example, Maria alleges that her husband, Javier, beat her up about 40 times during their 6-year marriage. Most recently, she got a scratch on her face and bruises on her arm, which she showed the judge when she obtained a restraining order - and an order for both parents to go through New Ways for Families. They have a son, Ray, age 5. Javier strongly denies any abusive behavior and believes that he should have primary physical custody and that Maria should have supervised access, as she takes medications for depression which he alleges cause her to fall down a lot and sleep a lot when she is supposed to be caring for Ray. Maria is seeking primary physical custody and wants supervised access for Javier with Ray just 2 hours a week.

The following dialog demonstrates some ways of dealing with resistance in this possible domestic violence case during a first session of New Ways for Families:

Counselor: I’m pleased to meet you Javier.

Javier: Well, I’m not pleased to meet you. I don’t want to be here, I just want to see my son (5-year old Ray) and my wife.

- Counselor: I see, I can certainly understand that. Now, you were ordered into this New Ways for Families program by the judge, correct?
- Javier: Yes. The judge also ordered me to have no contact with my wife, Maria, or my son, Ray. He's 5 and he needs me. I should have custody of him, because his mother is always depressed and takes too much medication.
- Counselor: Was that a temporary or permanent no contact order?
- Javier: Temporary. Can you help me get to see my Wife and son? Can you talk to the judge?
- Counselor: Actually, I can't talk to the judge or to anyone else about your case. I'm not allowed to by court order. But I can help you learn some skills that might help *you* help yourself in your case.
- Javier: I don't trust any of you guys. I've talked with counselors before and they just blame me for everything. You always believe the woman. I can't trust you at all.
- Counselor: Well, I can understand that. You don't have to trust me. All you have to do in New Ways is learn some skills that you can use. And it's really up to you if you use them in the future. But you have to do the writing exercises in this workbook in order to get your Verification of Completion. That's what I sign once you've come to 6 sessions and done all the writing exercises.
- Javier: I don't need to learn any skills. I just want to see my wife and my son.
- Counselor: Well, actually learning these skills may help you see your wife and your son. The court usually wants to know that you are good enough at communicating and solving problems, before taking away no contact orders in a domestic violence case.
- Javier: But I never hit my wife. What she said is a total lie.
- Counselor: You might be right. I wasn't there, so I'll never know what happened. All I know is that she said on her Behavioral Declaration that you hit her up about 40 times during your 6-year marriage. So you'll need to deal with that statement somehow.
- Javier: I just need to talk to Maria. She knows she lied and she'll realize she needs to tell the truth.
- Counselor: You might be right. But for now it sounds like there's a restraining order not allowing any contact between you. So let's get started on this Parent Workbook so you can see if these skills will help you deal with your situation over the next 6 weeks. That's not too long, and you might find something useful in this - or not. It's up to you.
- Javier: You keep saying it's up to me! But it isn't! Everyone else is telling me what to do.
- Counselor: Using these skills is up to you. Filling out this workbook is up to you. Are you ready to get started?

Javier: Oh, all right!

[Workbook Pages 3-6: They talk about his goals for New Ways and hurdles that might get in the way of doing the writing. Javier reluctantly writes answers in his workbook. Then they talk about his strengths and positive qualities. He likes this part. Then he gives some background history of his family situation. Then, before his counselor talks about homework:]

Counselor: Now, before we talk about what to do in the coming week, there's a short, 5-minute statement I'm supposed to give you whenever someone alleges domestic violence in the family.

Javier: I told you: there's no domestic violence in our family – except for the couple times she's hit me.

Counselor: I understand. Like I said, you might be right. I'll never know and it really doesn't matter if I ever know. What matters in this counseling is that I teach you these skills and help you practice them so much that they're easy to do. And they might help you in court and with your son, too. So let me tell you about some patterns of domestic violence.

Javier: I'm not going to listen!

Counselor: Well, that part's up to you. I'm just required to tell you about these different types of domestic violence, so you'll know about them.

First, is what's called "battering," where a person hits the other person – and it could be a man or a woman, although its more often a man – from time to time throughout the relationship. It really is a pattern of behavior that doesn't change, unless the batterer practices different ways of solving problems over and over again. Sometimes, this pattern is based on wanting to feel connected to the person and not wanting to lose them. Other times, this pattern is based on wanting to control someone and no wanting to lose the feeling of control.

Javier: I'm not either of those types.

Counselor: Good! Even if you were, you could still change. It just takes a lot of practice, which can't really be done alone, so there's batterers treatment groups that help men change this behavior and help them have more successful relationships. I've had several clients go to one of these groups and they said they were really surprised at how much it helped them in every part of their lives. Even people who said they weren't batterers got a lot out of it. The judges often orders people into these programs if they have concerns that battering is going on in the family.

Anyway, there's a couple other types I want to tell you about. One is "situational violence" where there's pushing and shoving, maybe throwing things, because neither person knows how to stop an argument or resolve a conflict, so both get involved in this violent behavior.

- Javier: That's Maria. She's attacked me a few times and then, when I push her away, she blames me for scratching her or bruising her arm. And you guys always think it's just my fault.
- Counselor: Like I said, I'll never know. And the last kind is what they call "separation violence," when there's never been violence before, but there was an incident when the couple separated.
- Javier: That last one might be what Maria was talking about when she got her restraining order. She was real upset and wanted to leave the house, but I could see that she might get into trouble if she tried to drive, so I held her arms to keep her from leaving until she calmed down. But she wiggled and fell down. That's when she scratched her face and bruised her arm. I was just trying to protect her from herself.
- Counselor: Okay. Well, whatever the case, there are these patterns of battering and situational and separation violence, so that things will happen again in the future if you have one of those patterns. You can't just turn it off, without practicing new ways of managing problems. So if you have one of these patterns, you are encouraged to get some treatment in one of these groups. Otherwise, the judges often like to leave long-term restraining orders standing if they fear that these patterns will continue.
- So that's my 5-minute statement about this. Do you have any questions?
- Javier: No.
- Counselor: Okay, then let's go to the next subject in the workbook. This is where we talk about homework for the coming week before our next meeting. All you have to do is see if you notice any *all-or-nothing thinking*, *unmanaged emotions*, and *extreme behaviors* in anyone. You don't even have to write these down.
- Javier: That sounds stupid. Since I can't see Maria or Ray this week, I'm just going to be watching wrestling on TV. How can I look for all-or-nothing thinking with that?
- Counselor: Well, you might notice if they just react, or if they seem to be thinking about their strategy and using flexible thinking in deciding their next move. Or notice if you think their behavior is extreme or moderate for the circumstances. Just notice everything around you and see if anyone does any of these three things: *all-or-nothing thinking*, *unmanaged emotions*, and *extreme behaviors*. Then we'll talk about it next week.
- Javier: It still sounds stupid.
- Counselor: That's okay. It's up to you whether you want to try noticing these things. You don't have to do any homework between sessions if you don't want to.
- Javier: Good!
- Counselor: Try to have a good week! See you next Tuesday.

For more information go to www.NewWays4Families.com.

This page intentionally left blank



Association of Family and Conciliation Courts

Guidelines for Parenting Coordination

**Guidelines for
Parenting Coordination**

Developed by

The AFCC Task Force on Parenting Coordination

2017-19

Foreword

The Guidelines for Parenting Coordination (“Guidelines”) are the product of the interdisciplinary AFCC Task Force on Parenting Coordination (“Task Force”). These Guidelines build on two previous AFCC task forces, which produced the report, “Parenting Coordination: Implementation Issues”¹ and the first set of AFCC Guidelines for Parenting Coordination.²

It is noteworthy that, as the parenting coordination model has been implemented in various jurisdictions, there has been variation in the authority of a parenting coordinator (“PC”), the stage of the legal process when a PC is appointed, the various functions of a PC, the qualifications and training of a PC, and the best practices for the role.

In 2017, then AFCC President Annette Burns recognized the need to update the 2005 Guidelines to reflect developments that had occurred worldwide since the Guidelines were first promulgated. She appointed the current Task Force on Parenting Coordination (“Task Force”). Task Force members met monthly via videoconference and in person at AFCC Conferences in Boston, Massachusetts (June 2017), Milwaukee, Wisconsin (November 2017), Washington, D.C. (June 2018) and Denver, Colorado (November 2018).

While revising the 2005 Guidelines, the Task Force identified issues in need of exploration: use of technology in parenting coordination; parenting coordination when intimate partner violence (IPV) is an issue; diversity awareness and responsiveness; and, the evolution and impact of legal directives since the emergence of parenting coordination.

To inform the process, two subcommittees were formed. The Legal Subcommittee reviewed current case law, statutes, rules, and regulations across jurisdictions and identified key differences and nuances in the law. This subcommittee also looked at practices in jurisdictions that are currently without formal laws pertaining to parenting coordination, those where law is being developed, and some of the policies and practices in countries where the practice of parenting coordination is emerging. The updated Guidelines are intended to reflect current developments while respecting variances in law and practice across jurisdictions.

The Resource Subcommittee identified resources including publications and other resources that have served to inform and document the practice of parenting coordination as it has advanced over the last approximately 12 years.

Feedback from AFCC membership was solicited throughout the process in several ways: (1) The Task Force surveyed AFCC members to examine parenting coordination practices³; (2) open forums and breakout sessions focusing on the Guidelines were held at AFCC conferences in

¹ See AFCC Task Force on Parenting Coordination, Parenting Coordination: Implementation Issues, (2003) *Family Court Review*, 41(4). 533-541.

² See Guidelines for Parenting Coordination developed by the AFCC Task Force on Parenting Coordination, (2006), *Family Court Review*, 41 (1), 164-181.

³ Much appreciation to Michael Saini, Ph.D., Associate Professor, Factor-Inwentash Faculty of Social Work, for his assistance in developing the surveys and data analysis.

Milwaukee, Wisconsin; Denver, Colorado; Washington DC; and, (3) draft Guidelines, were posted for public comment, resulting in numerous revisions.

The members of the AFCC Task Force on Parenting Coordination (2017 - 2019) were: Debra K. Carter, Ph.D., Chair; Ann M. Ordway, J.D., Ph.D. and Linda Fieldstone, M.Ed., Reporters; Hon. Dolores Bomrad, J.D.; Dominic D’Abate, Ph.D.; Barbara Fidler, Ph.D.; Alexander Jones, J.D., MSW; Mindy Mitnick, Ed.M., M.A.; John A. Moran, Ph.D.; Daniel T. Nau, J.D.; Matthew Sullivan, Ph.D.; Robin Belcher-Timme, Psy.D., ABPP.; and, Leslye Hunter, M.A., AFCC Associate Director.

GUIDELINES FOR PARENTING COORDINATION

Overview

Parenting coordination is a hybrid legal-mental health role that combines assessment, education, case management, conflict management, dispute resolution, and, at times, decision-making functions. Parenting coordination is a child-focused process conducted by a licensed mental health or family law professional, or a certified, qualified or regulated family mediator under the rules or laws of their jurisdiction, with practical professional experience with high conflict family cases. The parenting coordinator (“PC”) assists coparents⁴ engaged in high conflict coparenting to implement their parenting plan by: (1) facilitating the resolution of their disputes in a timely manner; (2) educating coparents about children’s needs; and, (3) with prior approval of coparents or the court, making decisions within the scope of the court order or appointment contract. A PC seeks to protect and sustain safe, healthy, and meaningful parent-child relationships.

Parenting coordination is for coparents who are unable or unwilling to jointly make parenting decisions, communicate effectively, comply with parenting agreements and orders or shield their children from the impact of parental conflict. A PC makes recommendations and, if authorized, legally binding decisions for coparents and may report to the court; therefore, a PC should be appointed by and accountable to the court. Both coparents may agree to participate in the parenting coordination process, and in some jurisdictions this agreement may be implemented without a court order. However, a court order is prudent in these cases. The authority inherent in the role of a PC is substantial whether stipulated by coparents or ordered by the court. Therefore, it is important that any jurisdiction implementing parenting coordination adopt and adhere to a set of guidelines for parenting coordination practice and programs.

The dispute resolution process central to a PC’s role may be inappropriate and potentially misused by perpetrators of intimate partner violence (IPV), who have exhibited or are continuing to exhibit patterns of violence, threat, intimidation, and coercive control over their coparent. Accordingly,

⁴ Coparent refers to an individual who shares legal responsibility for a child with another individual, regardless of biological relationship or the circumstances under which responsibility has been initiated or defined. Coparents may include grandparents, guardians, or others who serve in a quasi-parenting role with a child.

each jurisdiction should have in place a clearly delineated process to develop specialized parenting coordination protocols, screening, procedures, and training in cases involving IPV.

The purpose of these Guidelines is to provide detailed guidance related to:

1. practice for PCs;
2. ethical obligations and conduct of PCs;
3. PC qualifications, including relevant education, training and experience;
4. assistance to courts, professional organizations, educational institutions, and professionals that are developing and implementing parenting coordination programs.

The Guidelines for Parenting Coordination include different levels of guidance.

These Guidelines are aspirational and offer guidance in best practices, qualifications, training and ethical obligations for PCs. AFCC does not intend these Guidelines to define mandatory practice and they are not intended to create legal rules or standards of liability. Each jurisdiction may vary in its practices; however, minimum guidelines and best practices are provided. The word “shall” is typically used in the guidelines not because AFCC enforces or requires adherence, but to be consistent generally with practice requirements of other regulatory bodies and are thought to be best practice.

- Use of the term “may” is the lowest strength of guidance and indicates a practice a PC should consider adopting, but from which the PC may deviate in the exercise of good professional judgment and may be related to jurisdictional variances or other circumstances.
- Use of the term “should” indicates that the practice described is highly desirable and should be departed from only with very strong reason.
- Use of the term “shall” is a higher level of guidance to a PC, indicating that the PC should not have discretion to depart from the practice described.

Guideline I - Competence

A PC shall be qualified by education and training to undertake parenting coordination and shall continue to develop professionally in their associated roles and functions.

- A. **Professional Background and Experience.** A PC shall be a licensed mental health or family law professional, or a certified, qualified or regulated family mediator, under the rules or laws of their jurisdiction. A PC should also have extensive practical professional experience with family cases involving high conflict coparenting dynamics.

- B. **Family Mediation Training.** A PC should have training and experience in family mediation. A PC should become a certified, qualified, or regulated family mediator under the rules or laws of the jurisdiction where he or she practices, if such certification, qualification, or regulation is available.
- C. **Parenting Coordination Training.** A PC shall have training in the parenting coordination process, family dynamics in separation and divorce, dynamics related to parents who were never married to each other, child development, parenting coordination methods and techniques, court specific parenting coordination procedures, family law as it pertains to the parenting coordination process, intimate partner violence, child maltreatment and other safety issues relevant to the parenting coordination process, ethical considerations pertaining to the parenting coordination process, diversity as it affects the parenting coordination process, coparenting relationships, and the use of technology within the parenting coordination process. Recommendations for Comprehensive Training of Parenting Coordinators incorporating specific modules are included as Appendix A.
- D. **Arbitration/Decision-Making Training.** A PC shall have training in decision-making processes where this function of the PC role is permissible by law.
- E. **Continuing Education:** A PC shall maintain professional competence in the parenting coordination process. A PC shall regularly participate in educational activities promoting professional growth⁵.
- F. **Laws and Guidelines.** A PC shall be familiar with the laws governing parenting coordination practice in their jurisdiction, if any, and to comply with those laws. Where specific guidelines conflict, a PC should first comply with the law in the jurisdiction where that PC is practicing, as well as their professional codes of conduct.
- G. **Circumstances Affecting Competence and Role as PC.** A PC shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond a PC's skill or expertise, or personal circumstances (e.g., medical, mental health, substance misuse or dependence, etc.) exist that compromise a PC's ability to perform their role.
- H. **Consultation.** A PC may participate in collegial or peer consultation or mentoring to receive feedback and support on cases, as needed, subject to confidentiality requirements set forth in Guideline V. Consultation is distinguished from supervision in that a PC can choose whether to follow advice from the consultant; a consultant has no authority over the actions or behavior of a PC who consults with them; and, the consultant does not assume responsibility nor incur liability for any actions taken by a PC before, during, or following the consultation.
- I. **Diversity Awareness and Responsiveness.** A PC shall obtain continuing education for diversity awareness to ensure they are providing responsive and competent services, taking

⁵ AFCC Guidelines for the Use of Social Science Research in Family Law (2019), *Family Court Review*, 57(2), 193-200.

into consideration core cultural identities such as race, ethnicity, religion, gender, sexual orientation, and socioeconomic status; as well as potential cultural identities that may not be obvious, but which likely affect an individual's personal presentation (such as an illness or disability) and worldview. A PC shall also be aware of the diverse nuances of specific family structure, such as same gender coparents, blended families, and extended family caregivers.

Guideline II - Impartiality

A PC shall maintain impartiality in the parenting coordination process, although a PC is not neutral when making recommendations and decisions that impact best interests of the children. Impartiality is defined here as freedom from favoritism or bias in word or action.

- A. **Gifts and Favors.** A PC shall neither give nor accept a gift, favor, loan or other item of value from any coparent having an interest in the parenting coordination process or from which a PC may profit.
- B. **Respect for Diversity.** A PC shall not allow their personal values, morals, or beliefs to compromise the parenting coordination process or their efforts to assist coparents and children. If a PC has personal values, morals, or beliefs that will interfere with the parenting coordination process, a PC shall decline the appointment or withdraw from the process.
- C. **Misrepresentation.** A PC shall not intentionally or knowingly misrepresent or omit any material fact, relevant law, or circumstance in the parenting coordination process.
- D. **Integrity.** A PC shall not accept any appointment, provide any service, or perform any act outside the role of a PC that would compromise the integrity of the parenting coordination process.
- E. **Maintaining Impartiality.** A PC shall advise participants of any circumstances that may impact their impartiality, including potential conflicts of interests or bias. A PC shall withdraw if a PC determines they cannot act in an impartial or objective manner.
- F. **Undue Influence.** A PC shall not be compromised by outside pressure, bias, fear of criticism, or self-interest, including monetary gain. A PC shall not coerce or improperly influence a coparent to make a decision.
- G. **Harassment or Exploitation.** A PC shall not engage in any form of harassment or exploitation of coparents, children, students, trainees, supervisees, employees, or colleagues.

Guideline III – Conflict of Interest

A PC shall not serve in a case that would create a conflict of interest. A conflict of interest is a situation in which a person is involved in competing interests or loyalties and serving one interest may involve working against another interest.

- A. **Disclosure.** A PC shall disclose existing or potential conflicts of interest as soon as practical after becoming aware of any factor that gives rise to the potential conflict.
- B. **Waiver.** A PC may serve after the appropriate disclosure of an existing or potential conflict, upon the written agreement of coparents and others specifically related to the existing or potential conflict.
- C. **Additional Services.** A PC shall not create a conflict of interest by providing any other services to coparents, children, or other family members.
- D. **Referrals.** A PC may make referrals to other professionals to provide services to coparents, children, or other family members, but shall avoid actual or apparent conflicts of interest when making referrals. A PC shall not receive any commission, rebate, or remuneration from making a professional referral.
- E. **Solicitation.** A PC shall not solicit or agree to provide future professional services to coparents, children, or other family members beyond the role of parenting coordination.
- F. **Respect of Other Professional Roles.** A PC shall respect the role of other professional disciplines in the parenting coordination process and shall promote cooperation between PCs and other professionals.

Guideline IV – Multiple Roles

A PC shall not serve in multiple concurrent or sequential roles in the same case, even with the consent of coparents.

- A. **Multiple Concurrent or Sequential Roles:** A professional shall not act as a PC with coparents or others directly involved in the parenting coordination process if they previously provided professional services to the same parties. Also, a PC shall not provide professional services other than those pertaining to the parenting coordination process during, or after the term of a PC's involvement with the family. This includes, but is not limited to, service as a confidential mediator, court evaluator, child's attorney, guardian ad litem, child advocate, therapist, consultant, coparenting counselor or coach.
 - 1. A PC shall not have served or serve as a confidential mediator for anyone involved in the same case.

2. A PC shall not have served or serve in a court evaluator role capacity for anyone involved in the same case.
 3. A PC shall not have served or serve as a child's attorney, guardian ad litem, or child advocate for anyone involved in the same case.
 4. A PC shall not have served or serve as a therapist, consultant, or coparenting counselor/coach and shall not 'formally' engage in such roles concurrently or sequentially for any party involved in the same case.
 5. A PC shall not have served or serve as a lawyer for either coparent or anyone involved in the same case.
- B. **Facilitation Role.** A PC should attempt to facilitate resolution of issues by agreement of coparents; however, a PC is not acting in a formal mediation capacity, which would create a dual role.
- C. **Decision-Making Role.** An effort to facilitate resolution of an issue does not disqualify a PC from deciding an unresolved issue, where decision-making is permitted by court order. A PC should provide coparents with written notice of the shift to a decision-making role.

Guideline V – Confidentiality

A PC shall inform all participants in the parenting coordination process of the limitations on confidentiality before the process commences and throughout the process.

- A. **Confidentiality Outside the Parenting Coordination Process.** A PC shall follow the requirements in their jurisdiction regarding maintaining confidentiality outside the parenting coordination process except as provided by law, court order, or by written agreement of coparents.
- B. **Communication with Coparents and Children within the Parenting Coordination Process.** A PC shall notify coparents before the process commences that information shared between them is not confidential and may be shared with other involved participants such as extended family members, professionals, and relevant non-professionals. When a PC includes a child in the process, they should provide information about the limits of confidentiality to them in developmentally appropriate language.
- C. **Communication with Collateral Sources.** Collateral sources may include family members and other relevant professionals and nonprofessionals. With necessary authorization, a PC has discretion to communicate and exchange information with collateral sources. Before requesting information from a collateral source, a PC shall disclose the limits of confidentiality with respect to the request.

- D. **Mandated Reporting Laws.** A PC shall inform coparents of the following limitations of confidentiality:
1. A PC shall follow reporting requirements in their jurisdiction regarding suspected abuse or neglect of a child or vulnerable adult to protective services or law enforcement whether or not a mandatory or voluntary reporter under state, provincial, or federal law; and
 2. A PC shall report to law enforcement or other authorities if a PC has reason to believe that any family member appears to be at serious risk to harm himself or herself, another family member, or a third party.
- E. **Confidentiality of Records.** A PC shall maintain confidentiality of all records developed or obtained during the parenting coordination process in accordance with their licensure requirements, the law, or court order.
1. A PC shall maintain security in the storage and disposal of records.
 2. A PC shall follow jurisdiction and licensure requirements when relocating or closing a parenting coordination practice.
- F. **Use of Confidential Information for Educational Purposes.** A PC shall not disclose the identity of coparents, children, or others involved in the parenting coordination process when information is used for teaching, writing, consulting, supervision, research, or public information.

Guideline VI – Scope of Authority

Whenever possible, a PC should serve by formal order of the court. Any court order or consent agreement of coparents shall clearly and specifically define the PC's scope of authority and responsibilities. The ability of a court to appoint a PC on its own authority varies; some jurisdictions require coparents to consent before a PC may be appointed.

- A. **Court Order.** A PC should not initiate services until they have received an appointment order, or in jurisdictions where parenting coordination cannot be ordered by the court, a PC should not initiate services in the absence of a consent agreement between the parties, the counsel (if any), and the PC that satisfies any legal requirements. If a court order or consent agreement for parenting coordination services between coparents requires a PC to provide services outside the scope of the parenting coordination process or accepted standards of professional practice, the PC shall address and remedy any such conflict or decline the appointment.
- B. **Recommended Language for Appointment Orders.** The court order or consent agreement between coparents should define essential elements of the parenting coordination process including: term of service, definition and purpose of the PC role, scope of authority of a PC, access to information by a PC, limits of confidentiality, parenting coordination procedures, procedure for decision-making, submission of reports

to the court or to coparents, judicial review process, parenting coordination fees and costs, process for grievances, and process for termination of parenting coordination services.

- C. **Compliance with Laws, Rules, and Orders.** A PC shall comply with all statutes, court orders and rules, administrative orders, and rules relevant to the parenting coordination process.
- D. **Professional Services Contract.** In addition to the court order or a consent agreement between coparents to appoint a PC, a written professional services contract between coparents and the PC shall be used to detail essential elements of the parenting coordination process not contained in the court order or the consent agreement, and other professional issues such as schedule of fees, billing practices, recording keeping, and retainers. A Professional Services Contract is sometimes referred to as a written informed consent agreement.

Guideline VII – Roles and Functions

A PC shall assist coparents in reducing harmful conflict and in promoting the best interests of the children consistent with the roles and functions of a PC.

- A. **Intake Process.** A PC serves a screening and information gathering function. A PC shall screen clients referred for services for suitability of the process. A PC should review a custody evaluation; interim or final court orders; information from other collateral sources; intimate partner violence protective orders; any other applicable cases involving criminal assault, intimate partner violence or child abuse; and other relevant records such as educational records, medical, mental health, therapy, and treatment records; and then analyze the impasses and issues as brought forth by coparents.
- B. **Assessment or Appraisal.** A PC serves an assessment function. A PC shall conduct on-going assessment regarding: appropriateness of coparents for continuation in the parenting coordination process; the need to refer any family member to another professional for services, such as evaluation or treatment; safety of family members and the PC; efficacy of utilized techniques and interventions; and, compliance and violations of the parenting plans or court orders and agreements between coparents and recommendations or decisions by a PC.
- C. **Education.** A PC serves an educational function. A PC should educate coparents about child development, separation/divorce research, the effects of conflict and impact of coparents' behavior on the children, parenting skills, communication, and conflict resolution skills. A PC may model or teach coparents skills and provide direction/redirection to assist coparents in the acquisition of those skills.
- D. **Coordination/Case Management.** A PC serves a coordination or case management function. A PC should work with the professionals and systems involved with the family (e.g. mental health, health care, social services, education, legal). A PC may also work with

extended family, stepparents, and significant others. A PC may also monitor, implement, and enforce court ordered intervention services if authorized to do so.

- E. **Conflict Management.** A PC serves a conflict resolution function, primarily to help coparents resolve or manage child-related conflict. A PC may utilize negotiation, mediation, and arbitration skills. To protect coparents and children in IPV cases, a PC should tailor the process and techniques to prevent opportunities for coercion.
- F. **Communication.** A PC serves as a conduit for communication between coparents. A PC should establish communication protocols and rules of engagement in order to facilitate respectful, child-focused communication between coparents.
- G. **Decision-making.** In some jurisdictions a PC may be empowered to make reports or recommendations to the court, or to make legally binding decisions. These decisions may be subject to judicial review to the extent described in the court order or by consent agreement of coparents.
- H. **Parenting Plan.** A PC may provide clarification of parenting responsibilities and parenting time as authorized by a court order or consent agreement. If authorized by a court order or consent agreement, a PC may assist coparents in developing or revising a parenting plan.
- I. **Written Agreements.** A PC may communicate to the court regarding agreements between coparents, and submit such agreements, if authorized by law or pursuant to the parenting coordination agreement.
- J. **Limitations on Functions.** A PC shall not offer legal advice, therapeutic services, or serve in any additional professional role for any member of the family for which parenting coordination is provided.

Guideline VIII – Informed Consent

A PC shall facilitate the participants’ understanding of the parenting coordination process.

- A. **Power and Rights.** A PC is in a position of considerable authority. A PC shall communicate to coparents the extent of their parental rights given the authority that may be delegated to a PC in the form of recommendations, decision-making, the provisions of confidentiality, the professional persons and other collaterals with whom a PC will be authorized to consult or obtain information. A PC shall communicate to coparents their right to seek redress with the court.
- B. **Understanding the Role of a PC.** At the commencement of the parenting coordination process, and as appropriate thereafter, a PC shall review the court order or consent agreement and the professional services agreement with coparents to clarify with them the nature of the PC’s role, function, authority, provision of confidentiality, and procedures.

- C. **Children Involved in the Parenting Coordination Process.** A PC may meet with children in the parenting coordination process if they are trained in interviewing children and possess the appropriate skills. When meeting with children, a PC shall explain, in developmentally appropriate language, the PC's role, provisions of confidentiality, and anticipated involvement of the children in the process.

Guideline IX – Fees and Costs

A PC shall fully disclose and explain the basis of any fees and costs to coparents.

- A. **Allocation of Fees/Costs.** All fees for parenting coordination services shall be based upon the time expended by a PC and any administrative costs. All fees and costs shall be appropriately allocated between coparents as ordered by the court or as agreed upon in a PC's written fee agreement. A PC may be granted authority to reallocate fees based upon a coparent's responsibility for the actions that led to incurring those fees.
- B. **Prior Notice of Fees/Costs in Writing.** Prior to commencement of the parenting coordination process, a PC shall provide to coparents, in writing, the basis of fees and costs; retainer, if any; procedures for payment; and collection of fees associated with postponement, cancellation, and nonappearance; as well as identifying any other activities that may incur fees and costs.
- C. **Billable Services.** Activities for which a PC may charge include time spent interviewing coparents, children and collateral sources of information; preparation of agreements; correspondence, recommendations, decisions and reports; review of records and correspondence; telephone and electronic conversation; travel; court preparation; and appearances at hearings, depositions and meetings and any associated costs for these.
- D. **Failure to Meet Fee/Costs Agreements.** A PC shall inform coparents that they may suspend or terminate services due to the lack of payment by either coparent.
- E. **Recordkeeping of Fees/Costs.** A PC shall maintain records necessary to document charges for services and expenses and should provide a detailed accounting of those charges to a coparent, their counsel or the court, if requested to do so in accordance with the requirements of the PC's governing body or by law.
- F. **Contingency Fees Prohibited.** A PC shall not charge a contingent fee or base a fee on the outcome of the process.
- G. **Remuneration for Referrals.** A PC shall not accept nor provide a fee for a parenting coordination referral, as further delineated in Guideline III.

Guideline X – Communication and Record-Keeping

A PC shall communicate in a manner that preserves the integrity of the parenting coordination process and considers the safety of coparents and children when communicating with coparents, counsel, children, and the court. A PC should have access to persons involved with family members and documentary information necessary to fulfill their responsibilities.

- A. **Ex Parte Communication.** A PC may engage in individual communications with each of the coparents and their attorneys, unless prohibited in the court order of appointment or consent agreement, or under formal arbitration procedural requirements. A PC should do so in an objective, balanced manner. A PC should communicate agreements, recommendations, and decisions to all coparents.
- B. **Reports to the Court.** A PC should follow the court's rules or instructions regarding reports to the court.
- C. **Collateral Communications.** A PC should have access to all professionals involved with family members including the custody evaluator, attorneys, school officials, medical, and mental health care providers. A PC should have the authority to meet with the children, any stepparent or person acting in that role, or anyone else a PC determines to have a significant role in contributing to or resolving the conflict. A PC should notify any such collateral sources of provisions of confidentiality pertaining to information obtained from them.
- D. **Access to Documents and Information.** A PC should have access to all relevant information including orders, motions, and pleadings filed in the case, the custody evaluation report, Guardian ad Litem reports, and school, medical, and mental health records of coparents and their children. Any court order should authorize a PC to execute releases and obtain consents to permit access to such data and other relevant information.
- E. **Interviews, Meetings, and Participants.** A PC should have initial separate or joint interviews with coparents. If a PC has appropriate training and skills, they may choose to interview the children in a developmentally appropriate manner. A PC may, as needed, interview any individuals who provide services to the children to assess the children's needs and wishes. Communication between a PC and coparents may take place in joint, face-to-face meetings or by electronic means. A PC should determine whether separate or joint sessions are appropriate. In cases involving IPV, a PC shall determine whether to conduct interviews and sessions with coparents separately or in other circumstances to ensure appropriate safety precautions.
- F. **Maintaining Records.** A PC shall maintain records in a manner that is in accordance with the PC's licensing or governing body, or law. The records shall be professional, comprehensive and inclusive of information and documents that relate to and support decisions and recommendations made during the parenting coordination process.

- G. **Documentation of Agreements and Decisions.** A PC shall document in writing all agreements made by coparents and recommendations or decisions made by the PC.
- H. **Responsibility to the Court.** A PC shall be candid, accurate, and responsive in all communications with the court concerning their qualifications, availability, fees, and disciplinary sanctions related to the parenting coordination process as required by law or rule.

Guideline XI – Decision-Making

A PC should attempt to facilitate agreement between coparents in a timely manner on all disputes within a PC’s scope of authority. A PC shall decide the disputed issues or make recommendations as appropriate when coparents do not reach agreement, if it is authorized by the court or consent of coparents.

- A. **Authority for Decision-Making.** A PC may be granted the authority to make decisions (with or without a right of appeal) for coparents when they are unable to agree, or a PC may be permitted only to make recommendations to coparents or to the court. The scope of a PC’s decision-making authority may be limited in some jurisdictions. A PC should first address any dispute about their authority to address an issue prior to beginning work to resolve that issue.
- B. **Scope of Decision-Making.** A PC shall have only the authority to address issues that are identified in the court order or consent agreement. A PC shall have the authority, as specified in the court order or consent agreement, to resolve the following types of issues:
 1. Minor changes or clarification of parenting time/access schedules or conditions including vacation, holidays, and temporary variation from the existing parenting plan;
 2. Procedures for transitions or exchanges of the children including date, time, place, means of transportation and transporter;
 3. Health care management including, but not limited to medical, dental, orthodontic, vision, and other specialties;
 4. Child-rearing issues, including but not limited to disciplinary practices, bedtime routines, diet, and homework support.
 5. Psychotherapy or other mental health care, for the children and coparents;
 6. Psychological testing or other assessment of the children and coparents;
 7. Education or daycare, including choice of school, tutoring, summer school, participation in special education testing and programs, or other major educational decisions;

8. Enrichment and extracurricular activities, including camps and employment;
9. Religious observances and education;
10. Children's travel and passport arrangements;
11. Clothing, equipment, and personal possessions of the children;
12. Verbal or written communication, including any forms of electronic communication between coparents about the children.
13. Verbal or written communication, including any forms of electronic communication by between a coparent and children when they are not in that coparent's care;
14. Alteration of appearance of the children including haircuts, tattoos, ear and body piercing, and cosmetic surgery;
15. Roles of and contact with significant others, romantic interests, and extended families;
16. Substance misuse assessment or testing for either or both coparents or for a child, including access to results; and
17. Parenting classes for either or both coparents.

This list is not meant to be inclusive; rather, it provides a framework for understanding the types of issues a PC may routinely address.

- C. **Considerations During Decision-Making.** A PC should consider written or verbal statements about the dispute from each parent, and other relevant sources of information. The methodology used by a PC shall be fair to coparents and transparent to the court and the coparents. A PC shall ensure that each coparent has an opportunity to be heard in the process. A PC shall convey their expectations of coparents' participation in the process and the consequences of nonparticipation. If either coparent refuses to participate, a PC may take appropriate action governed by the court order, relevant statutes, or consent agreement.
- D. **Written Decision of a Parenting Coordinator.** If authorized to make decisions by the law, a PC should communicate their decisions in a timely manner, to be followed by written documentation of the decision. In the event decisions are provided orally, a written version shall follow in a timely manner. A PC should provide rationale for the decision, with the level of detail depending on the nature and magnitude of the issue.

- E. **Major Decisions.** A PC shall not make decisions that would change custody or substantially change the parenting plan.

Guideline XII – Marketing Practices

A PC shall not engage in any marketing practice that diminishes the importance of a coparent’s right to self-determination, compromises the impartiality of the PC, or demeans the integrity of the parenting coordination process or the judicial system.

- A. **False or Misleading Marketing Practice.** A PC shall not engage in marketing practices that contain false or misleading information.
- B. **Accuracy and Honesty.** A PC shall ensure that any advertisements regarding qualifications, services to be rendered, or the parenting coordination process are accurate and honest.
- C. **Promises.** A PC shall not make any claims of achieving specific outcomes.

Guideline XIII – Safety and Capacity

A PC shall be aware of issues regarding safety and capacity that may diminish the integrity of the parenting coordination process. A PC shall promote the safety of all participants throughout the parenting coordination process.

- A. **Screening.** A PC shall screen prospective cases for IPV and decline cases if they do not have specialized training and procedures to effectively manage those cases. A PC should provide ongoing screening and terminate their role as PC if they are unable to manage those cases.
- B. **Protective and No-Contact Orders.** A PC shall honor the terms of all active protective orders and no-contact orders for protection and take measures that may be mandated to ensure the safety of coparents, their children, and the PC.
- C. **Monitoring for Safety.** A PC shall monitor the process for the presence of safety concerns, intimate partner violence, child abuse and neglect, and take appropriate action to address such issues when they are identified.
- D. **Suspending or Terminating Process Based upon Safety Concerns.** A PC shall suspend or may terminate the parenting coordination process when they determine it is unsafe to continue and shall notify the court of the suspension or termination, if required.
- E. **Interruption in Services Due to Parental Impairment or Incapacity.** A PC shall adjourn, terminate, or modify the parenting coordination process if a coparent is incapable of participating in the process.

- F. **Suspicion of Substance Misuse and Mental Impairment.** A PC shall be alert to the reasonable suspicion of any substance misuse by either parent or child, as well as any psychological or psychiatric impairment of any parent or child that compromises their parenting or may be detrimental to the best interests of the children or the safety of family members. A PC may recommend a substance abuse or mental health evaluation and treatment as the PC might deem necessary during the parenting coordination process to address the best interests of the children affected, if legally authorized to do so.

Guideline XIV – Security, Confidentiality and Privacy Related to Use of Technology

A PC shall manage the risks related to the confidentiality and security of information by taking reasonable steps to protect the privacy of all interactions and documentations exchanged consistent with privacy legislation in a PC’s jurisdiction.

- A. A PC should become knowledgeable of and utilize the most current technology available to prevent access to information, documents, or communications within the parenting coordination process to unauthorized third parties.
- B. A PC should utilize protection against viruses and malwares, as recommended by the relevant privacy legislation, when utilizing a computer or electronic device for parenting coordination services, including avoidance of wireless communication that is not secure.
- C. A PC should develop a protocol for the safe storage and disposal of information and data.
- D. A PC should determine the procedures and protocols for providing parenting coordination services remotely or via telecommunications (e.g. telephone, teleconference, electronic group text, email communications, etc.) to ensure the privacy and integrity of the parenting coordination process.
- E. A PC shall follow their professional standards regulating telepsychology and interstate and international practice.

Definitions

These definitions are intended to clarify key concepts and terms that appear throughout these Guidelines. Some terms may vary by jurisdiction.

Arbitration: The hearing and determination of a dispute by a neutral third party with decision-making authority.

Collateral Sources: Professionals and nonprofessionals who assist or are invited to participate in the parenting coordination process.

Consent Agreement (or Stipulated Agreement): A written memorialization, sometimes a court order, specifying the terms under which coparents will conduct themselves. A consent agreement should include the details to which the individuals are agreeing and should be signed and dated by both coparents. In some jurisdictions, consent agreement may be referred to as a stipulated agreement.

Coparent: An individual who shares legal responsibility for a child with another individual, regardless of biological relationship or the circumstances under which responsibility has been initiated or defined. Coparents may include grandparents, guardians, or others who serve in a quasi-parenting role with a child.

Decision: In some jurisdictions, PCs have quasi-judicial authority to make binding decisions⁶ for coparents to follow, which are often subject to appeal. In other jurisdictions, decisions may be the equivalent of recommendations that are subject to further judicial review before they become binding. Written decisions are often accompanied by an explanation or basis for the decision and the process by which the decision was made.

High-Conflict Coparents: Coparents who are unable to resolve the overwhelming majority, or all, of the disputes that arise between them regarding the health, education, general welfare, and process of raising their common children. These individuals tend to rely on the courts or other third-party professionals for recommendations or directives for resolution of such disputes and frequently struggle with communication with one another regarding their common children.

Intimate Partners: Individuals who share or have shared a close interpersonal relationship, often including those who are married or have been married in the past; those who are dating, whether or not the couple has shared sexual intimacy and regardless of sexual orientation; those sharing a familial connection, such as adult family members like parent-child, and cohabitants, current and past. In the context of parenting coordination, intimate partners will usually refer to coparents who share children in common.

Intimate Partner Violence (IPV): Physically aggressive behaviors involving the intentional use of physical force with the potential for causing injury, harm, disability, or death and include: sexually aggressive behaviors; unwanted sexual activity that occurs without consent through the use of force, threats, deception, or exploitation; economically aggressive behaviors involving the use of financial means to intentionally diminish or deprive another of economic security, stability, standing, or self-sufficiency; psychologically aggressive behaviors involving intentional harm to emotional safety, security, or wellbeing; and, coercively controlling behaviors involving harmful conduct that subordinates the will of another through violence, intimidation, intrusiveness, isolation, and/or control.

Joint Custody: An arrangement referring to the sharing of responsibility for children, physically (where the child resides or spends time), legally (decision-making), or both. Joint custody, when not distinguished, does not necessarily delineate the percentage allocation of parenting time (time-

⁶ There are different terms for “decisions,” based on jurisdictional differences, such as awards, determinations, binding recommendations, etc.

sharing) or legal authority. Joint custody may also be called “shared parenting” or “shared care.” A PC should clarify and not assume the underlying meaning of the phrase.

Family Mediation: A process through which a neutral third-party facilitates communication between individuals in a dispute with a goal of helping them resolve that dispute on their own. There are different models of mediation; some are not confidential and may include recommendations to coparents or the court.

Order: A legally binding directive issued by a court or an individual with judicial authority in the jurisdiction where the order was entered, such as a judge or magistrate.

Parent: An individual legally, financially, and physically responsible for children, regardless of biological relationship or circumstances under which responsibility has been initiated.

Parenting Time: The allocation of time each parent has care and responsibility for the children, and any specific guidelines or restrictions that may be in place regarding the schedule.

Recommendation: A proposal for the resolution of a dispute or disagreement, often accompanied by an explanation of the rationale or basis for the recommendation. Recommendations may or may not be binding, depending upon the jurisdiction in which the recommendation is made. Some recommendations become binding after a defined period or under certain circumstances.

Screening: An initial and ongoing process in which a PC will gather information regarding the background of the family members and circumstances and then assess the appropriateness of the family for participation in the parenting coordination process.

AMERICAN PSYCHOLOGICAL ASSOCIATION GUIDELINES FOR PRACTICING PARENTING COORDINATION

APA DEVELOPED 8 GUIDELINES (NOT STANDARDS) IN 2012 AS FOLLOWS:

1. Psychologists endeavor to understand the complexity of the parenting coordinator role and to distinguish it from other professional roles.
- 2a. Psychologists strive to gain and maintain specialized knowledge and training in psychological domains that are relevant to the parent coordination role.
- 2b. Psychologists strive to understand legal authorities, terminology, and procedures that affect parenting coordination practice.
3. Psychologists acknowledge the importance of providing services consistent with the highest standards of their profession and strive to undertake the parenting coordinator role only if they have the necessary specialized competencies.
4. Psychologists aspire to facilitate healthy environments for children and appropriate parent child relationships while ensuring the safety of all family members in the parenting coordination process.
- 5a. Psychologists strive to be familiar with sources of ethical and professional guidance that may be relevant to the provision of parenting coordination services, including the APA “Ethical Principles of Psychologists and Code of Conduct.”
- 5b. Psychologists strive to recognize and respond to relevant sources of professional guidance about multicultural and diversity issues in the provision of parenting coordination service.
6. Psychologists aspire to create and maintain professional records that are appropriate for the specialized role of parenting coordinator while conforming to the “Ethical Principles of Psychologists and Code of Conduct” and the procedural requirements of the law.
7. Psychologists strive to engage in responsible parenting coordination case management and billing practices.
8. Psychologists strive to develop and maintain professional and collaborative relationships with all other professionals involved in the case.

This page intentionally left blank

FACT PATTERN:

Angela (age 42) and David Murray (age 47)

Three children: Monica, age 15 – H.S. sophomore; plays soccer and is in the school band
 Jordan, age 12 – 7th grade, plays tennis year-round and takes piano lessons
 Sam, age 5 -kindergarten, plays T-ball

Angela and David were married in 2007. Angela filed for divorce in 2022, after learning that David had an affair. David moved out of the marital home in Westfield in 2023, and rented a house in Springfield, 20 minutes from the marital home. The children all attend the Westfield public schools.

A pendente lite order was entered awarding the parents shared custody of all three children, following a bi-weekly schedule with Angela having the children Sunday night until Wednesday morning, David having them Wednesday morning until Friday after school or 5 p.m., and the parents alternating Friday after school or at 5 p.m. – Sunday evening. Except for Sundays, the court order provides for pick-up and drop-off at school to minimize contact between the parents. The order states the parents should alternate major holidays, but leaves decisions about holiday parenting time and vacations to the PC to address.

David is an IT specialist, working from home 3 days/week, and commuting to the office in NYC on Mondays and Tuesdays.

Angela is a 3rd grade teacher in Cranford, and is home by 3:30 p.m. unless there are special meetings or conferences.

Angela is very rigid and does not want to deviate from the order, or fill in gaps. She is still very angry over David's affair. David wants flexibility and doesn't understand why Angela can't be more accommodating. Both parents criticize each other and start arguing during transitions. When they both attend the children's activities, they sometimes argue or they completely ignore each other and sit at opposite ends of the field or bleachers.

Sam is acting out at school and at home with Angela, throwing tantrums, hitting other kids, and not listening. The teacher and child study team think he should be tested for possible ADD or ODD. David says Sam is fine when he's at David's house and the complaints from the school and Angela are overblown – Sam's just a normal little boy. If he's having problems, it's because Angela is so rigid and angry and she can't stop displaying her anger in front of the kids. If Angela can't handle Sam, David thinks Sam should live primarily with him, and wants the court to order a best interests evaluation.

Potential Issues for Role Plays:

Pendente Lite:

- Sam's behavior issues. David wants the PC to recommend a best interests evaluation. Angela wants the PC to recommend an ADD/ODD evaluation.
- David wants primary custody of Sam and a 50-50 schedule with the older two children. His weekend parenting time extends only until Sunday evening, but he says he can keep them until Monday mornings on his weekends, because he can get to work late and then stay late. Angela thinks he already has too much parenting time. (PC's role is to implement the parenting plan, but this plan is pendente lite and neither parent agrees it should continue post-judgment, so there's a risk either or both parents will seek to sabotage it or prove the other parent can't handle it).
- Parents' expectations that PC will figure out holidays and vacations and the impact this will have on the on-going parenting schedule.

Post- Judgment:

A final parenting plan is in place, with the parents each having 50-50 time (David's parenting time now extends to Monday mornings on his weekends).

David now lives in Warren, about 25 minutes from Westfield where Angela lives and the children attend school.

Sam is in play therapy, which David thinks is unnecessary, although he has not spoken to the therapist. The sessions are on Monday afternoon during Angela's parenting time and only she has been speaking to the therapist. This is expensive and David wants to terminate the therapy.

The judgment addresses the children's birthdays, but not their birthday parties. Each parent wants to organize and be in charge and last year, they ended up having two separate birthday parties for Sam, which created issues for Sam's friends' parents who did not want to send their children to two parties or have to choose which party to send them to.

Telephone contact – the judgment allows each parent phone contact with the children on the other parent's days, between 6:30 and 7:00 p.m. Some of the children's current activities conflict with this but neither parent is willing to budge on the time when it affects the other parent's calls. Also, David sometimes cannot get back from the city in time and wants to be able to call after 7. Monica says, too bad – that's his problem – she is following the court order.

Monica – 15-year-old does not like the parenting schedule. She wants to be with her friends on weekends, and has started making excuses to reduce her time with David, often not going to his house until Saturday afternoons, rather than Fridays.

Vignettes for discussion (either full group or small groups)

1. Michael's birthday – age 9

The parenting plan doesn't spell out parenting time on birthdays. Both parents want to see him and be in charge of planning his and do not want to attend together.

2. Parents alternate one week on- one week off. Each gets two non-consecutive vacation weeks during the summer. Mom says Charlotte (13) wants to go to sleepaway camp for four weeks. Dad says Charlotte told him she wants to stay home, go to the local pool and join the swim team with her friends.

3. Charlotte wants to do chorus. Dad is remarried and has a 5-year-old step-daughter.

Dad: These rehearsals and concerts interfere with my home life, including Saturdays when family time with my wife and our 5-year-old is important. Charlotte needs to feel she is part of the family.

Mom: She loves chorus, she is a talented singer, and her best friends are also in it.

4. Issue: Right of first refusal

Mom's position: We need a right of first refusal if a parent can't be with the kids for 4 + hours during their parenting time. James works as late as 8 p.m. 3-4 times per month. His sitter is not a substitute for a parent. She doesn't speak English well and can't help the kids with homework. I'm home every day and can supervise them. If James can't get home until after 7 p.m., the kids should be with me. He can pick them up on his way home.

Dad's position: This is too intrusive. When I'm not working late, the sitter watches the kids until 6 p.m. (2 ½ hours after they get home), and a few to times each month, I have to work late. There's no problem with their homework. A right to have the kids every time this happens is disruptive – the kids have to switch homes twice in the same day (maybe more if there was a parenting time transition that morning). On my days, they should come home to my house, get settled, do their homework and not have to be bounced from house to house.

This page intentionally left blank

OFW Conversation - actual and edited.

Actual:

1/26/24 4:17 PM Dad: Again, I've responded to your statements regarding Child. Please respond regarding the clinical psychologist and choice for Child2's upcoming school year. Please also let me know if you will be refusing to discuss these matters. As co parents we need to be able to discuss these issues instead of making unilateral decisions. Also I'm not sure why you feel that I should always respond to you when you simply will never answer a question from me. I am their father.

1/26/24 4:27 PM Mom: I have responded to all of your messages today. Again, will not have unproductive discussion about our children. You keep going round around. Have a good night and stop your harassments.

1/26/24 4:34 PM Dad: You have not once responded to Child2's school year nor regarding the clinical psychologist. You stated I should talk to my attorney. That I'm sorry is not a response from someone who is engaged in co parenting. Unfortunately it's bad faith on your behalf. Please respond. It is beyond important.

1/26/24 4:57 PM Mom: I responded to your questions. Please refer back to OFW messages.

1/26/24 5:16 PM Dad: Again when have you addressed the fact that the kids need to see a clinical psychologist. You simply have not.

1/26/24 5:30 PM Mom: Kids have been seeing a therapist for over 2 months. You talk about stability but you want to create another instability for them. Instead of trying to control everything why don't you engage with the current therapist as I have been encouraging you to do so for months.

1/26/24 5:59 PM Dad: Because this has been a unilateral decision it is not co parenting. We need to work together. I need to respect your opinions and I expect the same in return. Then we can put our heads together and make an informed decision for the children. I'm all for competing if you are. Please let me know.

1/26/24 6:13 PM Mom: Mr. Xxxxx: You are harassing me today in the name of our children. Please stop. We have two beautiful, smart, resilient and strong daughters who will become leaders in the future. Unfortunately, it has become clear to me (knowing you for the past 12 years) that you have a problem with women in power. The therapist is a safe place and stability for our children. This is about our children and not a competition. Unfortunate that you would think and phrase it that way. Speaks volumes about your mind set. Again, I encourage you to engage with the therapist as I have done so for months.
P.S. Practice what you preach. Co-parenting...where is the information that has been requested of you about the au pair over a week ago?

1/26/24 6:36 PM Dad: Wow, let's not bring someone's sex into this. It's not about the sex. It's about the specialty. Need I remind you our last two couples therapist were female and I've never had an issue. Please just answer and talk about the clinical psychologist rather than deflect. Not productive. I've literally been asking about it all day and still don't have an answer.

EDITED CONVERSATION:

1/26/24 4:17 p.m. Dad: Please let me know if we can engage a clinical psychologist and also any ideas you have for schools for Child.

1/26/24 4:27 p.m. Mom: I'm still not sure she needs a clinical psychologist. I spoke to our current family therapist, Dr. Xxxxxx about this, and propose that you contact her this week to schedule time so you can also speak with her. Then we can discuss this further. As to schools, I am in the process of researching some options and will let you know by (date) which schools I would like us to investigate and consider. If you are considering any schools, please let me know and I will check them out as well.

1/26/24 4:34 p.m. Dad: I will call Dr. Xxxxxx by (give date) and let you know my thoughts after speaking with her. I contacted the _____ school and plan to visit there next week. I will let you know if I think it's a viable option and look forward to hearing about the schools you are contacting.

About the Panelists...

Candice L. Drisgula is a Partner in Drisgula & Thatcher in Wayne, New Jersey, where she works with parties in high-conflict custody matters, both as an advocate and a neutral dispute resolution professional. She has served as a Parenting Coordinator for more than a decade and has been appointed as a Guardian *ad Litem* by courts in Bergen and Passaic Counties.

Ms. Drisgula is a member of the New Jersey State Bar Association Family Law Executive Committee, served on the Committee's Task Force for the proposal of amendments to the Court Rules regarding Guardian *ad Litem* assignments, and is a member of the National and New Jersey State Chapters of the Association of Family and Conciliation Courts (AFCC) and the Collaborative Divorce Association of New Jersey. A Trustee of the Passaic County Bar Association, she has been Chair of the Association's Family Law Committee and Passaic County Chair of the State Matrimonial Early Settlement Program. She is also Past Chair of the District XI Fee Arbitration Committee and has lectured for ICLE and the Passaic County Bar Association.

Ms. Drisgula received her B.S. from Colorado State University – Fort Collins and her J.D. from the University of Denver Sturm School of Law. She received her Certificate in Divorce Mediation from the New Jersey Association of Professional Mediators (NJAPM).

Derek M. Freed is the founding and Managing Partner of SeidenFreed LLC with offices in Cranford and Pennington, New Jersey. He concentrates his practice in matrimonial and family law.

Admitted to practice in New Jersey, Mr. Freed is Past Chair of the New Jersey State Bar Association Family Law Section and was a co-author of the Association's *amicus curiae* brief to the New Jersey Supreme Court on the matters of *Gnall v. Gnall*, *Bisbing v. Bisbing* and *Cardali v. Cardali*. He is a Matrimonial Early Settlement Panelist in Mercer and Somerset Counties and a member of the Matrimonial Lawyers Alliance.

The recipient of the New Jersey State Bar Association Distinguished Legislative Service Award in 2023, Mr. Freed serves as Executive Editor of the *New Jersey Family Lawyer* and his articles have appeared in the magazine. He has lectured on family law matters for ICLE, the New Jersey State and Mercer County Bar Associations, and the New Jersey Association for Justice, and is the recipient of several other honors.

Mr. Freed received his B.A. from the College of William and Mary and his J.D., with honors, from Rutgers School of Law-Camden.

Phyllis S. Klein, Phyllis Klein Mediation in Chatham, New Jersey, was a founding Member of Hagan, Klein & Weisberg, LLC and a Partner in that firm for 28 years. She limits her practice to family law matters and focuses in alternative dispute resolution, primarily mediation and parent coordination. She has also been involved in several reported decisions.

Admitted to practice in New Jersey, New York and Connecticut, Ms. Klein is a Court-Approved Mediator and a member of the Family Law Sections of the New Jersey State, Essex County and

Morris County Bar Associations, as well as the New Jersey Association of Professional Mediators (NJAPM). She is former Co-Chair of the Executive Committee of the ECBA Family Law Section, a former member of the District VB Ethics Committee and a former member and Chair of the District VC Fee Arbitration Committee.

Ms. Klein is a member and Past President of the Barry I. Croland Family Law American Inn of Court and has lectured for ICLE, the American Trial Lawyers Association and several bar associations and family law American Inns of Court. She is a contributing author to the custody chapter of *New Jersey Family Law Practice* and was the 2003 recipient of the Essex County Bar Association Family Law Section's Family Law Achievement Award and several other honors.

Ms. Klein received her B.A.A.S. from the University of Delaware and her J.D. from New York Law School. She was Law Clerk to the Honorable Carmen A. Ferrante, J.S.C.

Bruce P. Matez, APM is a Partner in Weir LLP in Mount Laurel, New Jersey. After practicing divorce and family law as a litigator for 30 years, he now focuses his practice in ADR matters, including mediation, arbitration, parenting coordination and out-of-court settlement negotiations. He is an approved R. 1:40 Post MESP Economic Mediator and mediated approximately 2000 divorce and family law matters.

A former member of the Executive Committee of the New Jersey State Bar Association Family Law Section, Mr. Matez has also served on the Family Law Committees of the Camden, Burlington and Gloucester County Bar Associations. He is Past President of the New Jersey Association of Professional Mediators (NJAPM), a member of the Justice Marie Garibaldi American Inn of Court for Alternative Dispute Resolution and a member of several other professional and community organizations.

Mr. Matez was a founding member of the Thomas S. Forkin Family Law American Inn of Court, served on the organization's Executive Committee from 1997-2009 and is a Master *emeritus*. He has lectured for ICLE, NJAPM and county bar associations; teaches divorce and family law mediation at Rutgers Law School-Camden; and in 2018 was the recipient of the Honorable Joseph M. Nardi, Jr. Award for his commitment to the practice of law encouraging and exemplifying civility, humility, compassion and a moral/ethical obligation to the welfare of children and families, in general. In 2022 he was the recipient of the Richard Jeydel Award bestowed by the Justice Marie Garibaldi American Inn of Court.

Mr. Matez received his undergraduate degree from the University of Maryland, College Park, where he was elected to *Phi Beta Kappa*, and his J.D. from Villanova University School of Law. He clerked for the Honorable Samuel D. Natal, J.S.C., Family and Criminal Parts, Camden County.

Shireen B. Meistrich, LCSW has been a collaborative professional since 2008 and dedicates her private practice in Fair Lawn, New Jersey, to assisting divorcing individuals and families in transition.

A founding Board Member of the New Jersey Council of Collaborative Practice Groups, Ms. Meistrich has been the program coordinator of the Divorce Center in the West Bergen Center for Children and Youth, and is a member and Past President of the Collaborative Divorce Association of North Jersey. She has been Secretary of the International Academy of

Collaborative Professionals, has co-chaired the Academy's European Collaborative Committee and has served on the Governance Committee. Ms. Meistrich has served on the Founders Board of the New Jersey State Council for Collaborative Practice Groups. She has trained in the collaborative process and has given presentations in the United States and Europe to help practice groups grow into integrated interdisciplinary communities.

Ms. Meistrich received her undergraduate degree from Goucher College and her graduate degree from Columbia University School of Social Work.

Marcy A. Pasternak, Ph.D. is a clinical and forensic psychologist with a practice in Watchung, New Jersey. While her practice serves individuals of all ages in both the clinical and forensic arena, Dr. Pasternak's special interests include marital and family therapy, divorce therapy, forensic evaluations concerning custody and parenting time, removal, grandparent visitation, risk assessment and personal injury. She often serves as a parenting coordinator and is a certified divorce mediator, conducting both divorce mediation and therapeutic mediation. She conducts Intensive Family Interventions through "Building Family Resilience," an outgrowth of her practice.

A licensed psychologist in New Jersey, New York and Vermont, Dr. Pasternak has been a member of the American, New Jersey and Somerset Hunterdon Psychological Associations, and has an APA Certificate of Proficiency in the Treatment of Alcohol or Other Psychoactive Substance Use Disorders and an NCC AP Master Addiction Counselor Credential. She has been a member of the New Jersey Psychological Association's Forensic Committee and is Past President of the New Jersey Chapter of the Association of Family and Conciliation Courts (NJ-AFCC).

Dr. Pasternak has served as a psychological expert in eleven New Jersey counties and as an adjunct staff member at Muhlenberg Regional Medical Center, and has been a Clinical Assistant Professor of Psychiatry at New Jersey Medical School, UMDNJ. She has given workshops and presentations to the mental health and legal communities.

Dr. Pasternak received her B.A., *magna cum laude*, from the State University of New York at Buffalo, where she was elected to *Phi Beta Kappa*. She received her Ph.D. in Clinical Psychology from Duke University.

Amy Wechsler, Certified as a Matrimonial Law Attorney by the Supreme Court of New Jersey, practices with Lawrence Law with offices in Watchung and Red Bank, New Jersey. She concentrates her practice in family law, mediation, arbitration, parenting coordination and collaborative divorce, and provides mediation services privately and through court programs.

Accredited as a Divorce and Family Mediator by the New Jersey Association of Professional Mediators (NJAPM) and a trained Collaborative Divorce Attorney, Ms. Wechsler serves on the New Jersey State Bar Association's Family Law Executive Committee (where she has been Chair of a Task Force on Parenting Coordination and the Children's Rights Subcommittee) and is Past President of the Somerset County Bar Association. She completed the Arbitration Training through the American Academy of Matrimonial Lawyers and is Past President of the Association of Family and Conciliation Courts-New Jersey Chapter (AFCC-NJ), an interdisciplinary association of professionals dedicated to improving the lives of children and families through the resolution of family conflict. Ms. Wechsler has been Co-President of the

Association for Advancement of Collaborative Practice and a Board Member of the New Jersey Council on Collaborative Practice Groups. She is also Past Chair of the District XIII Attorney Ethics Committee and a former Trustee of the New Jersey Collaborative Law Group and the New Jersey Association of Professional Mediators (NJAPM).

Ms. Wechsler is the 2005 recipient of the Professional Lawyer of the Year Award for Somerset County bestowed by the New Jersey Commission on Professionalism as well as the NJ-AFCC Phil Sobel Award and the NJSBA Saul Tischler Award. She is a frequent lecturer and author on family law topics for ICLE, NJAPM, AFCC-NJ, the Association of Divorce Financial Planners (ADFP) and other organizations, and her articles have appeared in the *New Jersey Family Lawyer*.

Ms. Wechsler received her B.S. from the University of Connecticut, her M.S.W. in Clinical Social Work from Rutgers University and her law degree from Rutgers School of Law-Newark.

Cindy Ball Wilson, Wilson Family Law LLC in Chatham, New Jersey, devotes her practice exclusively to family and matrimonial law. Her broad expertise spans mediation, collaboration and litigation; and she handles high-net-worth clients with complex compensation needs and those who are facing financial challenges.

Admitted to practice in New Jersey and Maryland, and before the United States District Court for the District of New Jersey, Ms. Wilson is an approved family mediator in ten New Jersey counties and an Early Settlement Panelist in Morris and Union Counties. She is Secretary and Past President of the New Jersey Collaborative Law Group, a member of the New Jersey State Bar Association's Dispute Resolution and Family Law Sections, and a member of the Family Law Sections of the Morris and Union County Bar Associations. She is also a member of the New Jersey Association of Professional Mediators (NJAPM), the International Academy of Collaborative Professionals and the New Jersey Women Lawyers Association.

A member of the Barry I. Croland American Inn of Court, Ms. Wilson serves on the Executive Committee of the Justice Garibaldi American Inn of Court. She has been a guest lecturer on family law mediation topics at Seton Hall Law School and is the recipient of several honors.

Ms. Wilson received her B.A. from Rutgers University and her J.D. from Seton Hall Law School. While in law school, she was a law clerk for the New Jersey Office of the Attorney General in the Division of Youth and Family Services (currently Child Protection & Permanency) and worked on cases involving abused and neglected children. After graduating law school, she was Law Clerk to Chief Judge Louise G. Scrivener, Family Division, Sixth Judicial Circuit, Montgomery County, Maryland, where she lectured about gun possession in domestic violence cases.