

Family

The efficacy of parenting co-ordination

By **Elizabeth Hyde and Jared Norton**



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(February 28, 2020, 3:39 PM EST) -- The Association of Family and Conciliation Courts has defined parenting co-ordination as a hybrid legal-mental health role that combines assessment, education, case management, conflict management, dispute resolution, and, at times, decision-making functions. Parenting co-ordination is a child-focused process conducted by a mental health or family law professional, or a qualified family mediator with practical professional experience working with high conflict family cases.

The parenting co-ordinator (PC) helps co-parents engaged in high conflict co-parenting to implement their parenting plan by: 1) facilitating the resolution of their disputes in a timely manner; 2) educating co-parents about children's needs; and 3) making decisions within the jurisdiction of the PC agreement. A PC seeks to protect and sustain safe, healthy and meaningful parent-child relationships. Parenting co-ordination is to help co-parents who are unable or unwilling to jointly make parenting decisions comply with parenting agreements and orders.

While the goals outlined above appear clear and concise, it is the authors' experience that in many cases, these goals are difficult to attain. Family law counsel and judges continue to look to the parenting co-ordination process for high conflict families who stay locked in this pattern post separation/court order. The process has limitations and those must be considered before either party commits to the process. While some Canadian provinces have moved towards legislation that allows judges to order parties to mediation and parenting co-ordination, Ontario is not there yet.

In addition, there is still a lack of understanding from both the judiciary and the bar as to what the parenting co-ordination process encompasses and what the role of the PC is. Case law is emerging on an inconsistent basis as to the jurisdiction of a court to order parents into the parenting co-ordination process if there has been no compliance with the *Arbitration Act* and the *Family Law Act*.

PCs are being named in court orders without notice to the named PC and in some cases, judges have articulated how the parenting co-ordination process will be structured, creating confusion before the process begins.

What is clear to us is that all three of the articulated goals outlined above must be part of the process if these parents are to be able to parent and co-parent effectively on their own. If the goal is to merely move this group of parents out of the justice system, then parenting co-ordination is an effective process. If the goal is for the parents to no longer need a PC as they have shifted their co-parenting relationship through the coaching and education work of the PC, then determining effectiveness and what contributes to effectiveness becomes more complicated.

Mediating and arbitrating disputes in a timely, less structured and more cost-effective manner is undoubtedly an effective process for the types of issues that are brought to a PC. A good example is the recent teacher's strike in Ontario. This has wreaked havoc not only on intact families but on parents who rely on their children's transitions taking place at school only and are not able to co-ordinate random unscheduled child care. A PC can certainly be an effective resource for separated

co-parents facing this type of situation where a timely decision is crucial. (This example is not intended to be a commentary on the current situation.)

The challenging piece, and what is often more uncertain in terms of efficacy, are parenting co-ordination functions such as the coaching and educating of parenting co-ordination clients in more effective ways to communicate and implement their parenting plan, identifying and creating strategies for resolving conflicts on their own, and providing resources and information on parenting skills and the developmental needs of their children.

While challenging in their own right, these interventions are often met with resistance. Although some of the lack of commitment from parents in this area is based on financial constraints, we find more often than not it is a lack of recognition on the part of both parents as to how their own behaviour may be contributing to the ongoing conflict.

Unfortunately, there is also at times a general unwillingness to commit to parenting co-ordination as a process of change. In the aforementioned example, this effort and commitment, along with the skills and commitment of the PC, are necessary and crucial factors to reducing not just acute situational stress or conflict but also in reducing the likelihood that a similar scenario will be stressful or conflicted in the future.

Given that, understanding the full scope and potential of parenting co-ordination, as well as engaging in a dialogue about its effectiveness, is central to responsible practice.

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