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In recent years, parenting coordinators, typically licensed mental health professionals or attorneys, have been appointed by court order to mediate or arbitrate parenting issues and disputes during high-conflict divorces or post-relationship disputes. Parenting coordinators to date have been appointed in only a few counties in Michigan, but their use has been more common elsewhere in the country.

In Michigan, there is no statutory definition of the term *parenting coordinator*. Since 1996, Michigan statutes have exclusively used the term “parenting time” because the term “visitation” often has been considered demeaning or minimizing to a non-custodial parent. Often courts appoint a parenting coordinator also as a guardian ad litem regarding parenting issues. Such focus is consistent with the best interests of the child, in accordance with MCLA 722.27a.

The statute indicates in Section 7a that “parenting time shall be granted in accordance with the best interests of the child. It is presumed to be in the best interests of a child to have a strong relationship with both of his or her parents.” The section further states “parenting time shall be granted to a parent in a frequency, duration, and type reasonably calculated to promote a strong relationship between the child and the parent granted parenting time.”

*When divorce proceedings  
turn into  
high-conflict disputes,  
parenting coordinators  
can put the attention on  
what is best for the children.*

BY JACK P. HAYNES

Parenting coordination can be viewed as a form of alternative dispute resolution in family law cases. Binding arbitration in family law matters has been recently changed to apply to attorneys rather than to mental health practitioners. Of course, in domestic relations cases, ultimately it is at the discretion of the hearing officer how much weight is placed upon the conclusions and recommendations of professionals appointed. Parenting coordination is perhaps best viewed as a form of mediation, sometimes with recommendations provided to the court by the parenting coordinator—similar to evaluative mediation.

Parenting coordinators typically are granted quasi-judicial immunity consistent with their role (often specified in the court order of appointment) as guardian ad litem. They are protected from being sued based on their actions in the matter. A parenting coordinator is an officer of the court, though a coordinator can be compelled to testify regarding recommendations they have made in a properly noticed de novo hearing.

### Parenting Coordinators as Facilitators

Parenting coordinators can be appointed for multiple purposes. A frequent role is as facilitator. Communication limitations and antagonisms are often central to divorce disputes. The parties often are entrenched in their positions and relate to each other in ritualized ways that perpetuate and often exacerbate antagonisms. Parenting coordinators can be used to manage and reduce conflicts.

Parenting coordinators can be appointed to foster improved communication and sometimes even to initiate and monitor basic communication between the parties. The appointment of a parenting coordinator can introduce flexibility and can help orient parties toward solving problems rather than continuing with repetitive, non-productive, subversive, or self-defeating ways of ventilating antagonisms.

### Parenting Coordinators as Decision-Makers

The binding nature of the decisions of parenting coordinators depends on whether

the coordinator is an attorney—only attorneys are able by statute to make legally binding decisions. Whether or not the decisions are binding, coordinators can resolve conflicts the parties have not been able to resolve. This could include, but is not limited to, dates, times, and circumstances of child exchange, child care decisions, sports participation, discrepancies, and conflicts between the parents regarding discipline, and the involvement of relatives and third parties in the lives of children.

### Parenting Coordinators as Finders of Fact

Parenting coordinators often make recommendations consequent to finding facts. They function in a manner consistent with professional confidentiality parameters. Proper releases of confidential information should be obtained.

Children of the parties can be interviewed, although it is important first to determine the necessity of direct contact. Often, reliable information can be obtained from the parties, and if so, it may complicate matters for the parenting coordinator to directly interact with the children. Such involvement also may dilute the perception of the children that their parents are effective decision-

makers; constructively empowering the parties is one of the goals of parenting coordination efforts. The decision whether or not to meet with or involve the children should be made on a case-by-case basis.

Collateral information is important. It is important for parenting coordinators to have access to psychological reports and to make contact with therapists for the parties or children. It is often also helpful to speak with teachers and daycare staff to learn of the behavior and the functioning level of the children as well as that of the parents.

### Limits

Parenting coordinators do not make decisions about child support or child custody. They do, however, make decisions involving financial issues. Sometimes it can be effective for coordinators to levy fines for non-compliance by either party regarding agreements made by the parties or directions given by the coordinator. Unless otherwise specified by the court, parenting coordinators typically do not make decisions about whether parents should be allowed to move geographically, nor do they typically make ultimate decisions regarding child custody. It is important that the order appointing the parenting coordinator be specific in delineating the responsibilities and powers of the coordinator. Judge Hallmark of the Oakland Circuit/Family Court has constructed a model order that can be used or adapted effectively.

### Some Advantages of Using Parenting Coordinators

The continuing high conflict in domestic relations disputes is detrimental to the parties, especially to children. Blatant and dramatic distractions and agitations define high conflict in divorce and post-relationship circumstances. The focus in high-conflict cases typically is not upon the children and their best interests or upon resolution of divorce issues, but rather the focus of the parties is upon perpetuation of conflict. Parenting coordination is inconsistent with fostering levels of high conflict but rather is a tool for conflict management.

Long-term high parental conflict compromises the ability of children to directly

## FAST FACTS

- ◆ Parenting coordination is a form of alternative dispute resolution in family law cases.
- ◆ Coordinators are usually granted quasi-judicial immunity consistent with their role as guardian ad litem.
- ◆ Coordinators function as facilitators, finders of fact, and decision-makers.



A parenting coordinator can foster an environment that often otherwise has been totally absent in alienated, high-conflict couples.



and appropriately handle their own developmental tasks and challenges. Ongoing high parental conflict prevents children from properly focusing on their own issues and concerns because of the intrusion of parental discord. Long-term high conflict is also detrimental to healthy childhood psychological development. Parenting coordinators focus on minimizing the experience of parental disharmony by children.

Also, in this context, the use of a parenting coordinator can dampen the enthusiasm of the parties for ongoing or dueling motions or show cause actions. Cases that have been characterized by a blizzard of motions or show cause actions fundamentally can change in nature because the parenting coordinator has helped the parties to begin to talk to each other. Modeling the behavior of the parenting coordinator, parties often begin to focus on the children, make decisions with consideration of the children, and sometimes significantly moderate their antagonisms toward each other.

The use of a parenting coordinator provides a responsive format for prompt, safe, and consistent discussion by the parties as an alternative to repetitive court actions with all the accompanying costs and antagonisms. A parenting coordinator can foster an environment that often otherwise has been totally absent in alienated, high-conflict couples.

The use of a parenting coordinator also places the responsibility for resolution of parenting issues with the parents rather than with a hearing officer, who typically would be making decisions based on less information and experience than a parenting coordinator would have.

Sometimes the parenting coordinator needs to repetitively focus and re-focus the parties on the best interests of their chil-

dren. It can be persuasive to discuss with the parties the fact that they are the parents—not the judge or referee. For the parties, this can raise the question of why they would default on their responsibilities as parents by avoiding or sabotaging working with the other parent (through the parenting coordinator).

### Perspectives

Parenting coordination is a dynamic process that can be challenging. Sometimes parties will not agree to try to effectively communicate with each other as facilitated by the parenting coordinator. But most often, parties do respond to the insistent focus of the parenting coordinator. As with other professional successes, the results can be gratifying.

In parenting coordination situations, most parties come to assume more responsibility for their actions. Parties working with a parenting coordinator often choose to exercise their power to make decisions concerning their children rather than continuing hurtful conflicts. At times, parenting coordination can include an appeal to the parties regarding their self-interest. But such an appeal ultimately is focused toward a larger, worthier cause: the best interests of the children. ◆

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