

INDIANA PARENTING COORDINATION GUIDE

Families Moving Forward, Inc.

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FAMILIES MOVING FORWARD, INC., is an interdisciplinary organization of attorneys, mental health providers, accountants, and other professionals committed to improving the process of family transition in Indiana, by reducing conflict and cost, creating healthier outcomes for children, and enhancing the satisfaction of professionals serving families.

This INDIANA PARENTING COORDINATION GUIDE was prepared by the Families Moving Forward, Inc., Parenting Coordination Committee. Questions regarding this document may be directed to Randall Krupsaw, Ph.D., Chair, Parenting Coordination Committee, via e-mail at drkrupsaw@netdirect.net or via U.S. Mail at 8945 North Meridian Street, Suite 125, Indianapolis, Indiana 46260.

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PREFACE

We prepared this proposal with the hope that it will facilitate implementation of high quality parenting coordination services in Indiana. We believe that parenting coordination is extremely valuable for families of divorce who need additional structure and guidance to deal with disruptive inter-parental conflict. Furthermore, we believe that parenting coordination is essential in cases where prolonged high conflict is threatening the psychological health and well being of children.

Parenting coordination can resolve inter-parental conflict before it further disrupts co-parenting, harms the children, and disturbs the parent-child relationships. Parenting coordination helps ensure that children's needs are met in a timely and effective manner. Furthermore, parenting coordination can help heal damaged family relationships and establish the communication, cooperation, conflict resolution, and general coping skills necessary for effective co-parenting and psychologically healthy children. For these reasons, we offer the following proposal.

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INTRODUCTION TO PARENTING COORDINATION

Definition:

Parenting coordination is an intervention to help parents manage their co-parenting conflicts so they can attend to their children's needs in a timely and appropriate manner. It involves a court-appointed parenting coordinator or "PC."

The basic responsibility of the PC is to assist the parents with the development, implementation, and monitoring of parenting plans. The primary goals include reducing re-litigation rates when high conflict is present and providing assistance to children and parents in the divorce adjustment process.

PCs have also been referred to as "special masters," "family court advisors," and "case managers." PCs are particularly useful for parents who have great difficulty making important mutual and timely decisions about their children. This intervention is also helpful when there are ongoing and unsubstantiated allegations of parental neglect or physical and/or sexual abuse of the child. In addition, parenting coordination can be helpful whenever there is potential for disruptive inter-parental conflict.

Rationale:

Recent projections indicate that between 40% and 50% of first marriages in the United States will end in divorce (Schoen & Standish, 2000). Every year during the last decade, over one million children in the United States experienced the divorce of their parents (U.S. Bureau of the Census, 1999).

While divorce itself places children at risk for various psychological difficulties, research has shown that the strongest predictor of child maladjustment after divorce is exposure to high levels of inter-parental conflict, particularly when the conflict is hostile, aggressive, poorly resolved, and focused on issues pertaining to the children (Braver et al., 2004; Grych & Fincham, 2001). In approximately 10% to 15% of families of divorce, such conflict continues at a high level for several years following the formal divorce decree, and it typically causes the children and the parents to suffer significant and prolonged psychological distress (Buchanan & Heiges, 2001; Doolittle & Deutsch, 1999; Johnston & Roseby, 1997).

Many studies have documented that prolonged conflict between parents is associated with a wide range of negative effects on the children involved (e.g., see Ackerman & Kane, 1998; Amato & Keith, 1991; Bricklin, 1995; Ellis, 2000; Emery, 1994; Gottman & Katz, 1989; Gould, 1998; Grych & Fincham, 2001; Kelly, 2000). These effects include emotional problems, behavioral problems, scholastic underachievement, and an increase in physical illnesses (e.g., colds, fever, allergic reactions, diarrhea, vomiting, asthma, eczema, etc.).

Some of these effects can be long-term or even permanent (Amato, 2003; Ellis, 2000; McNeal & Amato, 1998; Wallerstein et al., 2000). Children who are frequently exposed to inter-parental conflict during childhood also tend to have shorter life spans as adults (Friedman et al., 1995; Tucker et al., 1977).

The emotional and behavioral problems caused by inter-parental conflict are numerous. These include abrupt changes in personality, regression in development, depression, crying, separation anxiety, sleep disturbance, increased clinging to parents, phobias, social withdrawal, school resistance, soiling, wetting problems, psychosomatic symptoms such as headaches, stomach aches, and gastrointestinal disturbances, low self-esteem, academic underachievement, anger, hostility, impulsiveness and anti-social behavior. Another consistent finding is that children involved in these cases are angrier and more aggressive toward their parents. In an overall sense they have poorer relationships with their parents and others than children of families with little inter-parental conflict.

Unfortunately, many of these emotional, behavioral, and health effects can persist into adulthood. In adulthood, children of families that were troubled by conflicts between parents have more psychological problems, less trust in themselves and others, lower levels of marital satisfaction, and a higher divorce rate as compared to adult children of families who were free of such conflict. Children who witnessed repeated violence between their parents are likely to have the worst outcomes in adulthood, including additional psychological problems and more difficult relationships with their parents and others. Males may be more inclined to perpetrate violence, and females may be more inclined to be co-dependent and to accept such mistreatment.

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

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

In some cases, well-intended counseling interventions for these parents and their children become sources of support for continued conflict. Each parent pursues his or her own agenda with a different mental health therapist. The parents shop around for counselors who support their own agenda. They quickly dismiss any counselor who seems to stray from completely supporting them against the other parent. Too often, none of the service providers is fully aware of the family dynamics and the children's best interests, and there is little or no communication or coordination of services. As a result, the children's needs often do not

receive adequate attention, the conflict between the parents may worsen, and the children may suffer more psychological distress.

Significant problems can arise even when the family is ordered by the Court to participate in counseling with the same mental health provider. In such circumstances, the focus of the services and the scope of the counselor's authority may be too limited to effectively manage the inter-parental conflict and attend to the children's needs.

Parenting coordination was developed specifically for high-conflict families who need more structure and guidance to deal with their issues and the needs of their children (Coates et al., 2003 & 2004). It has evolved from the experiences of many legal and mental health professionals who have devoted themselves to finding better ways to help these families.

Although parenting coordination is a relatively new intervention, some outcome research has already been completed, and the results are consistent with numerous anecdotal reports that parenting coordination substantially reduces conflict and litigation in high-conflict cases. For example, in California's Santa Clara County, parents in 166 cases had 993 court appearances in the year prior to parent coordination. One year after parenting coordination was initiated, these 166 cases had a total of only 37 court appearances, which is more than a twenty-six fold or 96 percent reduction in court appearances (Johnston, 1994). Similarly, in Boulder, Colorado, a survey of parents and parenting coordinators showed that the majority reported satisfaction with parenting coordination and decreased conflict between the parents (Vick & Backerman, 1996).

History:

Parenting coordination has been implemented in a number of states which include Arizona, California, Colorado, Georgia, Massachusetts, Oklahoma, Oregon, Vermont, Hawaii, Idaho, and New Mexico (Coates et al., 2003 & 2004). Parenting coordination has received increasing attention as a means by which to deal with high conflict and alienating families in domestic relations proceedings before Courts. Elements of parenting coordination have been found in earlier notations about case management wherein oversight and monitoring of individual cases was found helpful, if not essential, for families involved in protracted litigation. Parenting coordination has been helpful in a wide variety of circumstances, including situations in which parents have severe psychological disorders, engage in domestic violence, make allegations of abuse and/or neglect of the children, and attempt to disrupt each other's relationships with the children (Baris et al., 2000).

Roles of the Parenting Coordinator:

There are three primary roles the Court may order for the parenting coordinator. For ease of reference, these roles will be designated Level 1, Level 2, and Level 3.

Level 1: In Level 1, the parenting coordinator is not empowered to resolve impasses between the parents by means of a “binding” recommendation. However, as in all parenting coordination interventions, the Court appoints the PC to promote the best interests of the children by meeting with parents to develop and maintain effective co-parenting. This includes establishing cooperative parenting plans and assisting the parents with dispute resolution.

At this level, the role of the parenting coordinator is to facilitate communication and cooperation between the parties for the purpose of effective co-parenting of the children. Although the PC may not at this level resolve impasses with “binding” recommendations, the PC may offer professional advice and recommendations regarding the needs of the children. The parenting coordinator may assist the parents with any of a wide variety of decisions regarding the needs of the children, including adjustments the parents may make to the parenting time schedule, the selection of medical personnel for the children, and the choice of educational programs and recreational activities for the children.

As in all parenting coordination interventions, the parenting coordinator also is empowered by the Court to obtain information from significant others concerning the children and their needs. This includes having the authority to interview the children, and to obtain input concerning the children from people who know them, including their parents, school teachers, medical service providers, and mental health counselors.

In addition, as in all parenting coordination interventions, the parenting coordinator holds the responsibility to document the services provided and to record those agreements reached. Should there be any difficulties on the part of either parent in working cooperatively to meet the children’s best interests, this will be recorded as well. To assist with accountability, for both parents, and to promote the children’s best interests, the parenting coordinator may issue progress reports and recommendations to the respective attorneys as necessary.

Level 2: At this level, the PC’s role includes everything in Level 1, plus a certain measure of decision-making authority to resolve impasses by means of a “binding” recommendation. This authority must be specifically defined by the Court, in the order appointing the PC. As usual, the parenting coordinator makes every reasonable effort to help the parents resolve their disputes themselves. However, when the parents nevertheless reach an impasse on a child-related matter, the parenting coordinator, in accordance with the scope of authority granted by the Court order, offers a recommendation that decides the issue and is binding until and unless one of the parents brings the matter to the Court for a hearing. The parenting coordinator always recognizes the Court’s authority and ultimate responsibility to determine the children’s best interests.

As in Level 1, the parenting coordinator invites each parent to present his and her data and seeks to facilitate a mutually arrived upon decision. However, when this does not occur, the parenting coordinator may gather additional information as necessary (such as data from

schools, teachers, child care individuals, medical providers, psychological/counseling records, etc.) and then offers a recommendation which the parents are bound to follow. Each parent and the PC reserves the right, however, to reexamine the issue in the future with the passage of time and the accumulation of additional data.

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

At Level 2, the PC may, as per the Court order, communicate information to significant others for the purpose of ensuring that the binding recommendations are appropriate, adjusted when necessary, and enacted properly in the service of the children's needs. This may include communicating information to service providers for the children and the parents, such as school teachers, educational tutors, visitation supervisors, physicians, dentists, and mental health counselors.

Level 3: Here the PC's role and authority includes everything in Level 2, plus the PC may, as specified by the Court order, select and manage a treatment team to attend to the needs of the parents and the children. This involves the selection of medical and/or mental health professionals to provide necessary treatment services. It also presumes regular communications between the PC and the other members of the treatment team, in order to coordinate treatment efforts in directions that would benefit the children and the parents. As the manager of the treatment team, the PC coordinates the needed services and has the authority to select different services and different service providers, and to replace service providers when necessary, to ensure that the needs of the family are met for the sake of the children.

This Level 3 role can be especially valuable in cases where the parents are deadlocked about treatment options for their children, and in cases where mental health problems, parental alienation tactics, or other problematic family dynamics may threaten the parenting coordination process, the safety of the children, or the relationships of the children with one or both parents.

Areas of Parenting Coordination Decision-Making Authority:

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

- Time sharing arrangements, including holiday and summer planning

- Daily routine
- Daycare/babysitting
- Transportation and exchange of children (drop off, pick up)
- Medical, dental and vision care
- Psychological counseling, testing, or other assessment of child/children
- Extracurricular activities and arrangements
- Education, including but not limited to school choice, tutoring, participation in special education programs
- Discipline

Parenting coordinators' authority typically is limited to preclude changing legal or physical custody, making relocation decisions, or substantially altering existing access schedules. Other types of authority not possessed by parenting coordinators include child support orders and making decisions involving the children's religious observances.

Term of Service:

Although the parenting coordinator's term of service varies according to the apparent needs of each case, it is most typical that the term of service is for a two-year period. At the end of this appointment, both parents have the option of endorsing the process and extending the contract of the parenting coordinator for an additional two-year term.

Alternatively, the parents may select from a panel of other professionals and choose another individual to offer parent coordination services. It is suggested that this process follow that typically used in selecting a custodial evaluator. A panel of three professionals could be offered from which two are struck. Yet an additional alternative, at the conclusion of the term of parenting coordinators' appointment, is to return to Court. Either parent retains the right to address the family's circumstances with further Court assistance/litigation.

Typical Format of Service Delivery:

Generally, it is beneficial to provide relatively frequent parenting coordination sessions in the early stages of the process. Initially, parenting coordination sessions might occur once every one to two weeks. It is helpful to set aside one and a half to two-hour blocks of time for each session, at least initially. The frequency and/or duration of meetings is reduced as the inter-parental conflict decreases and the parents become more able to effectively handle issues on their own.

Confidentiality:

The parenting coordination process is not confidential. Communications with the parenting coordinator are considered discoverable. The parenting coordinator can be called as a

witness to testify in Court and may be called upon to offer input to help decide parenting time and/or custodial issues should re-litigation occur.

Fees:

Within the state of Indiana, depending on the qualifications of the parenting coordinator, fees for parenting coordination generally range from \$75.00 to \$225.00 per hour. Fees typically include all parenting coordination services. This involves interview time, session time, investigation time (of court, school, or other records), collateral time (conferring with attorneys and other professionals), home visits, travel expenses and time, preparation of reports or agreements, and Court appearances.

Grievance Procedure:

Parenting coordinators are appointed pursuant to Court order. However, this may not prevent filing of individual complaints with professional licensing boards.

All parenting coordinators should be aware that parents may threaten to, or actually file, grievances against a parenting coordinator as a means of acting out their emotional issues and trying to further their own agendas, such as trying to impede the relationships between their children and the other parent. Therefore, the parenting coordinator should be a person of solid professional reputation with extensive experience and the ability to withstand the threats and allegations involved in complaints of this nature.

In order to discourage inappropriate acting out and board complaints, which can undermine the parenting coordination process, parents should be encouraged to initially bring any complaint directly to the PC for resolution. If no resolution is reached, the parents and the PC would do well to attend a judicially supervised settlement conference. This could resolve the grievance, attend to the children's needs, preserve proper parenting coordination services, and deal with any needs to redress the services rendered or to select a different PC.

APPROPRIATE APPLICATIONS FOR PARENTING COORDINATION

Professionals working in the family law arena have noted that although mutual decision-making between parents may be the optimal way for parents to resolve divorce related issues, for some parents caught up in conflict with each other, mutual decision-making may seem impossible. These parents are often caught up in “high conflict.” Generally, these are parents who demonstrate a pattern of ongoing litigation even though a preliminary order, agreed entry or final decree is in place. Their disputes are often crisis-oriented. One or both parents appear demanding, highly emotional and reactive. Thinking is often rigid and the expectations of legal outcome are often unrealistic. Parents in high conflict find themselves unable to make even the simplest decisions together. The ongoing conflict will often be reflected in continuous disputes over parenting time and inflexibility by either or both of the parents. The conflict usually brings the parents back into the litigation process to make decisions that the parents have been unable to make together.

Parenting coordination can be an effective method of resolving disputes between parents when traditional mediation and/or litigation has not proven successful. Parenting coordination is often less expensive than litigation, allows the family to use someone familiar with the family and the family dynamics, and it can allow for the resolution of disputes more expeditiously than traditional litigation.

Parenting coordination is likely to work best when both parents are willing to accept the parenting coordination process in order to resolve their issues in a timely manner for their children’s benefit. Parenting coordination may be least effective in cases where one or both parents have never accepted the court’s authority and repeatedly violated court orders. Such parents will likely dispute or defy the parenting coordinator’s decisions as well.

The parenting coordinator may be useful in a number of situations, including situations where the following are present:

- disputes about different interpretations of an order, Indiana Parenting Time Guidelines or parenting plans which need to be resolved in a timely manner; e.g., vacation/holiday schedules, transportation to and from visits, methods of pick-up and delivery, extracurricular activities, childcare, first right of refusal, and withholding visitation
- accusations of neglect or abuse, which place the children in a situation of emotional risk; e.g., allegations of sexual or physical abuse, accusations of substance abuse, and allegations about threats posed by a new live-in partner or fiancée
- parents with severe personality disorders who are locked in impasses and are chronically litigating

- parents who are less character disordered but have great difficulty making important mutual and timely decisions and require assistance coordinating their parenting efforts
- parents with intermittent but troublesome mental illness
- a history of domestic violence
- a history of substance abuse
- chronic unreasonable hostility and distrust
- consistent unsubstantiated allegations by one parent of misconduct on the part of the other parent, such as poor judgment, safety issues, abuse, and violence
- a history of alleged or actual alienating tactics, or alienation of the child from a parent
- children who are estranged from one of their parents and need the PC to direct their reunification with that parent in a manner and at a pace consistent with their emotional and safety needs

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

- physical (medical) and psychological examinations and assessments
- psychotherapy (including therapeutic mediation and individual, post-divorce, family, and reunification therapies)
- alcohol/drug assessment, monitoring, and/or treatment
- supervised parenting time
- Guardian Ad Litem
- domestic violence counseling/intervention program
- parenting classes

In order for the parenting coordination process to be influential in its use, it is important for the court to try to match the right parenting coordination process with the parties in the case. For example, a more educational approach, in which the PC can educate the parties about

child development, communication skills, conflict resolution techniques, family issues, and resources, may be an approach that does not require the PC to have decision-making authority. This may be an approach that is most appropriate for parents who appear logical, well-motivated, highly moral, and secure in their personal life. These parents may merely want help developing a parenting plan or modifying one in anticipation of a change in circumstances.

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

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

It should be noted that the PC's role may need to change somewhat in cases where one of the parents has perpetrated a pattern of domestic violence and coercion against the other parent and seeks to continue that pattern by exploiting the PC's role. In such cases, one parent primarily seeks to exert power and control over the other and regularly disregards PC recommendations, instead of engaging in a process of mutual decision making focused upon the needs of the children.

In these cases, the role of the PC should shift, when necessary, from primarily seeking mutually agreed upon parenting plans to primarily enforcing court orders. In addition, the PC would in these cases become more active in alerting the parents' attorneys and the Court of (a) violations of existing court orders, and (b) possible needs for additional court orders to more specifically define the parenting plan which must be followed.

In some cases, the PC may initially work with parties in a less authoritative role. Depending on the assessment of the family, the family dynamics, and the ability of the parents to work toward decreasing the conflict and solving problems for the best interests of the child, the PC may need to request that the Court expand the PC's authority, which may include granting the PC a more authoritative role in making binding recommendations, if the PC was not granted decision-making authority at the outset.

PARENTING COORDINATION PROCESS

Although the PC is generally given wide latitude in structuring the process and the sessions, the following format is commonly followed.

Prior to setting up the initial contacts with clients, the PC reviews the pertinent available documents to ground himself/herself in the case. Those documents would include custody evaluations, temporary or final orders regarding custody and access, the Court order putting the PC in place, and any relevant information about previous PCs or other interventions.

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

The parenting coordinator may choose to meet separately with the parents should there be issues of domestic violence that have resulted in intimidation of one parent by the other. Similarly, very high levels of inter-parental conflict may require periods of time in which the PC meets separately rather than jointly with the parents.

The PC's role to represent the best interests of the children is established. Information is gathered about the extent of the conflict, the child's exposure to the conflict, and the specific areas of agreement and dispute. Areas of dispute are prioritized by urgency.

Subsequent separate meetings are scheduled at the end of the joint session, unless a defined dispute is urgent enough to supersede the individual sessions. In the individual sessions with the parties, each parent is given the opportunity to discuss specific concerns and to express his/her perceptions of the history of the conflict and the impact on the child. Ideas and proposals for solution are solicited. Each parent's preference for mode of communicating with the other parent and the PC is discussed. The information gathered from these individual sessions provides the basis for approaching the case. The PC determines what additional information is needed and from whom, the mode of communication, the frequency of sessions, and the preferred initial emphasis (e.g., parent education, negotiation, resolution of conflict by means of a binding recommendation).

The children are typically seen separately to get the views of the children regarding the family, their experience of the conflict, their perceptions of relationships with each parent, and their specific concerns and desires.

Whether the PC chooses to proceed with additional joint sessions or to conduct a "caucus"

method of individual sessions, the first approach is generally one of parent education and a negotiation approach to assisting the parents to reach agreement. If the Court order allows for decision making power and the PC determines it is necessary, the PC prepares for making the decision by gathering the relevant data and outlining a format for making the decision. A written recommendation/decision includes the rationale for each decision and the specific details for implementation. The written recommendation/decision is disseminated to the parties, their attorneys and/or the Court as dictated by the Court Order.

Usually the PC is not required to make a record of his/her proceedings. However, the volatile nature of these cases argues for record keeping sufficient to reveal and support the PC's efforts and conclusions.

Within the parameters of the PC's style, ongoing contacts with the parties can be via regularly scheduled sessions, phone consultations, or e-mail consultations as needed to meet the requirements of the Court order.

STATE OF INDIANA) IN THE _____ COUNTY COURT NO. _____
)SS
COUNTY OF) CAUSE NO.

IN RE THE MARRIAGE OF:)
 ,)
 Petitioner,)
vs.)
 ,)
 Respondent.)

PETITION FOR APPOINTMENT OF PARENTING COORDINATOR

Petitioner/Respondent, _____, files a Petition for Appointment of Parenting Coordinator for the benefit of the parties' child(ren), and in support thereof, states as follows:

1. There is/are ____ (____) child(ren) born of this marriage, namely _____, born _____.
2. The Petitioner/Respondent believes a Parenting Coordinator would be of assistance in drafting a shared parenting plan and contact/parenting time schedule to minimize child-related conflicts between parents, and to assist in eliminating unproductive or harmful behavior patterns by one or both of the parties.
3. It is in the child(ren)'s best interest and expedient to the administration of justice that a Parenting Coordinator be appointed to assist the parents in resolving conflicts in a way that is beneficial to the child(ren).

WHEREFORE, the Petitioner/Respondent, prays the Court appoint a Parenting Coordinator to assist the parties in effective parenting for the benefit of the child(ren), and for all other relief deemed proper in the premises.

Respectfully submitted,

Attorney for Petitioner/Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by First Class Mail, postage prepaid

or Courthouse mail on this ___ day of _____, 200_ upon:

Petitioner/Respondent/Attorney

Address: _____

Attorney for Petitioner/Respondent

STATE OF INDIANA) IN THE _____ COUNTY COURT NO. ____
)SS
COUNTY OF _____) CAUSE NO.

IN RE THE MARRIAGE OF:)
_____,)
Petitioner,)
vs.)
_____,)
Respondent.)

ORDER APPOINTING LEVEL I PARENTING COORDINATOR

Petitioner/Respondent, _____, having filed a Petition for Appointment of Parenting Coordinator, such Petition being a part of this Court’s record. And the Court having reviewed the same and being duly advised in the premises now finds the same should be granted.

IT IS, THEREFORE, ORDERED THAT:

1. Appointment. The Court hereby appoints _____ as Parenting Coordinator (hereinafter “PC”) in this case, whose address and telephone number are:

_____,
and the parties shall immediately contact said PC for scheduling purposes.

2. Expenses. Petitioner shall pay _____% and Respondent shall pay _____% of the PC’s fees, including any retainer amount, for joint services. In addition, the PC shall be reimbursed for any expenses incurred, including, but not limited to, photocopies, messenger service, long distance telephone charges, express and/or certified mail costs, parking, mileage, and other travel expenses. The PC shall have the discretion to report to the Court that the PC desires to charge either party separately for individual contacts with that party or joint contacts made necessary by that party’s behavior. The Court shall have the power to review, reallocate and enforce the payment of the fees of the PC. In the event that the testimony and or written report of the PC is required for any hearing, settlement conference or court action by one or both parties, the PC’s fees for such services shall be paid by both parties, in advance according to the estimate provided by the PC.

3. Role of the PC.

LEVEL I. The PC shall make recommendations and work to resolve conflicts between the parents involving the designated issues, which do not affect the Court’s exclusive jurisdiction to determine fundamental issues of custody and parenting time. Such recommendations, negotiations, and education shall include strategies for enforcing any shared parenting plan

and contact/parenting time schedule, for minimizing child-related conflicts between the parties, and for eliminating unproductive or harmful behavior patterns by one or both parents.

Further, the PC shall file a recommendation with the Court when and if the PC believes it necessary to modify the Level at which the PC is operating.

4. Issues for the PC to address:

The PC shall always address the basic co-parenting issues which include but are not limited to the following list:

- a. implementing any voluntary or court-ordered plan or schedule so that the child(ren) have continuous and consistent contact with both parents;
- b. vacation and/or holiday schedules;
- c. transportation issues;
- d. methods of pick-up and delivery;
- e. dates and times of pick-up and delivery;
- f. childcare, daycare and babysitting issues;
- g. extracurricular and enrichment activities;
- h. bedtime issues;
- i. diet issues;
- j. clothing issues;
- k. discipline issues;
- l. healthcare management;
- m. participation in parenting time by significant others, relatives, etc.;
- n. in the case of infants and toddlers, increasing parenting time when developmentally appropriate pursuant to the Indiana Parenting Time Guidelines or existing court order;
- o. educate parents on how to effectively:
 - i. communicate and negotiate;
 - ii. develop and apply parenting skills;
 - iii. meet the developmental needs of their child(ren);
 - iv. disengage from each other when engagement leads to conflict;
 - v. keep their child(ren) out of the middle of their adult disagreements; and identify the sources of their conflict with one another and work jointly to minimize conflict and lessen its harmful effects on the child(ren);
- p. monitor the safety issues on behalf of the child(ren);
- q. monitor safety issues in those cases involving domestic violence;
- r. monitor implementation of a voluntary or court-ordered parenting plan or contact/parenting time schedule and mediate the parents' disputes regarding such plan or schedule;

In addition, the PC shall address the following issues specific to these Parties (check

all that apply):

- _____ recommend to the parents that one or both parents and/or the children avail themselves of available and appropriate community resources, including, but not limited to, physical examinations, random drug screens, parenting classes, custody evaluation, and individual psychotherapy; and if such a recommendation is made, the PC shall select and manage such treatment team, if the PC determines necessary;
- _____ write detailed guidelines or recommended rules to help the parents communicate with one another and practice implementing those guidelines or rules. If either parent lacks parenting skills, the PC shall work with that parent to teach the necessary skills or to refer the parent to an appropriate parenting skills course;
- _____ recommend a means of compliance with any parenting plan or parenting schedule in the Court's Order;
- _____ when the parents cannot agree on a resolution of conflicts, and when it is necessary to promote the child(ren)'s best interests, recommend modification of a parenting plan or contact/parenting time schedule, reduce such recommendations to writing, and provide them to the parents and to any attorney who represents either parent;
- _____ recommend a final decision on any parenting issue concerning which the parents reach an impasse, by submitting a written recommendation to the parties and their counsel;
- _____ facilitate communication between the parents by serving, if necessary, as a conduit for information;
- _____ recommend, where appropriate, the institution or cessation of supervised visitation;
- _____ when the parents cannot agree on a resolution, make recommendations regarding religion, religious training and church attendance, when in the best interests of the child(ren);
- _____ recommend a final decision with regard to large changes in vacation and/or holiday time shares, when appropriate;

5. The PC shall not:

- (a) serve as a custody evaluator in the case;
- (b) offer a binding recommendation;
- (c) address significant financial matters between the parents;
- (d) attempt to exercise judicial authority;
- (e) be contacted by either parent outside normal working hours, unless the matter constitutes a genuine emergency.
- (f) substantially alter the percentage of parenting time between parents.

6. Meeting with the PC.

- (a) In fulfilling his or her responsibilities, the PC shall be entitled to communicate with the parents and their children, separately or together, in person or by telephone; with the health care providers and mental health providers for the parents and the child(ren); and with any other third parties reasonably deemed necessary by the PC. The parents shall cooperate with the PC and shall execute any releases which may be necessary to permit the above communication to occur.
- (b) Each parent is responsible for contacting the PC to schedule and arrange initial appointments.
- (c) The parents shall provide copies of all pleadings, orders and correspondence that relate to the issues to be brought to the PC. These documents shall initially be provided within ten (10) days of the date of this Order.
- (d) Each parent shall direct any disagreement with the other parent regarding the children to the PC. The PC shall work with both parents to resolve the conflict, and, if necessary, will recommend an appropriate resolution to the parents and their legal counsel.
- (e) The parents and all agencies shall participate in good faith in the dispute resolution process.

7. Written and Oral Report and Court Appearances.

- (a) The PC may submit written reports to the parents and/or their counsel, if the parent is represented by counsel, describing any conflicts and the PC's recommended resolutions. The PC may also report to the parents and/or their counsel, if the parent is represented by counsel, with regard to parental compliance and attitudes regarding any element of the parenting plan or parenting time schedule.
- (b) A PC shall submit a written report to the parents and/or their counsel, if a parent is represented by counsel, at the completion of services, and may submit interim reports.
- (c) Copies of all reports shall be sent to the parents and/or their counsel, if a parent is represented by counsel, at least ten (10) days prior to any hearing in the matter.

8. Terms of Appointment.

- (a) The PC is appointed for two (2) years, or unless discharged prior to the expiration of two (2) years.
- (b) The PC, at any time, may be discharged by the Court with or without petition from a party. The PC may be disqualified on any of the grounds applicable for the removal of a judge, mediator, or arbitrator.

- (c) The PC may withdraw from acting as PC in the case at any time and for any reason, provided that notice is given to the parties and their counsel.
- (d) At the completion of services, the PC shall forward a closing statement to the parents and/or their counsel, if a parent is represented by counsel. After the case is closed by Court Order, the PC may be available as needed to the family if reinstated by an Order of the Court.
- (e) No therapist-patient relationship and/or privilege is created between the PC and the parents or the minor child(ren).

9. Confidentiality.

There is **NO** privilege or right of confidentiality between the children, the Parties and the PC.

10. Cooperation/Release of Information.

The Parties are ordered to cooperate with the PC, provide all relevant documentation to the PC, and to sign any and all release of information forms, or otherwise provide all authority necessary for the PC to obtain all medical, educational, counseling and treatment information of the Parties, the children or any other person as necessary to the role of the PC. Further, the Parties, or their representatives are ordered to provide and gather all information necessary to the role of the PC, including but not limited to medical, educational, counseling and treatment information of the Parties, the children, or any other person necessary to the recommendations of the PC.

11. Incorporation of Agreed Matters into Enforceable Court Orders.

Although one of the goals of the PC is to encourage parents to harmoniously resolve shared parenting issues without the need for a Court hearing, the negotiated or agreed matters shall be memorialized in writing, signed by the parties, copied to counsel if the parties are represented, and submitted by the parties or their counsel to the Court for approval.

12. Authority, Qualifications, and Expertise

This appointment is based upon the expertise of the PC as a qualified mental health and/or legal professional.

13. The Court Further Orders That:

SO ORDERED this _____ day of _____, 200__.

JUDGE, _____ County Court No. ____

Distribution:

Attorney for Petitioner

Attorney for Respondent

Parenting Coordinator

STATE OF INDIANA) IN THE _____ COUNTY COURT NO. ____
)SS
COUNTY OF) CAUSE NO.

IN RE THE MARRIAGE OF:)
_____,)
 Petitioner ,)
vs.)
_____,)
 Respondent.)

ORDER APPOINTING LEVEL II/III PARENTING COORDINATOR

Petitioner/Respondent, _____, having filed a Petition for Appointment of Parenting Coordinator, such Petition being a part of this Court’s record. And the Court having reviewed the same and being duly advised in the premises now finds the same should be granted.

IT IS, THEREFORE, ORDERED THAT:

1. Appointment. The Court hereby appoints _____ as Parenting Coordinator (hereinafter “PC”) in this case, whose address and telephone number are:

_____,
and the parties shall immediately contact said PC for scheduling purposes.

2. Expenses. Petitioner shall pay _____% and Respondent shall pay _____% of the PC’s fees, including any retainer amount, for joint services. In addition, the PC shall be reimbursed for any expenses incurred, including, but not limited to, photocopies, messenger service, long distance telephone charges, express and/or certified mail costs, parking, mileage, and other travel expenses. The PC shall have the discretion to report to the Court that the PC desires to charge either party separately for individual contacts with that party or joint contacts made necessary by that party’s behavior. The Court shall have the power to review, reallocate and enforce the payment of the fees of the PC. In the event that the testimony and or written report of the PC is required for any hearing, settlement conference or court action by one or both parties, the PC’s fees for such services shall be paid by both parties, in advance according to the estimate provided by the PC.

3. Role of the PC (Determination of PC Level). The Court orders that the appointed PC shall be (Check either or both Levels):

_____ **LEVEL II.**

A. Role of the PC. The PC **shall** make recommendations and work to resolve conflicts between the parents involving the designated issues, which do not affect the Court's exclusive jurisdiction to determine fundamental issues of custody and parenting time. Such recommendations, negotiations, and education shall include strategies for enforcing any shared parenting plan and contact/parenting time schedule, for minimizing child-related conflicts between the parties, and for eliminating unproductive or harmful behavior patterns by one or both parents;

B. Authority of the PC. The PC shall attempt to resolve conflicts between the Parties by recommendation, negotiation, education and discussion. Provided however, that the PC shall make binding recommendations if the Parties are unable to reach a decision through recommendation, negotiation, education or discussion. In such cases, the PC shall provide written documentation of the PC's binding recommendations to the Parties and their counsel at least two (2) days prior to filing such with the Court.

The recommendation is binding pending review by the Court. If there is no objection within seven (7) days of the recommendation being made, then the recommendation is binding pending a substantial change in circumstances such that the recommendation is no longer reasonable.

C. Objection to Recommendations. If either Party objects to the recommendations by filing a petition to the Court for a hearing, within the time limit, the Court shall hold a hearing on whether or not such recommendation shall remain binding. The hearing shall be an expedited hearing, and if possible shall be conducted by summary testimony from counsel. Counsel shall keep such objections and hearing specific and concise. No issues not raised in objection to the Recommendations shall be addressed by the court in this expedited hearing.

D. Level of PC. The PC shall file a recommendation with the Court when and if the PC believes it necessary to modify the Level at which the PC is operating.

_____ LEVEL III.

A. Role of the PC. The PC shall make recommendations, select providers for and monitor treatment, evaluation, and services for the family as necessary. The PC shall be entitled to recommend, and if necessary, select treatment for either parent, the children or all parties. The PC shall monitor the treatment and evaluations to ensure that the treatment meets the needs of the parties.

B. Authority of the PC. Any such treatment, evaluations or services recommended shall be monitored by the PC. In such cases or recommendation, the PC shall provide written documentation of the PC's recommendations to the Parties and their counsel.

Unless the Court orders that the PC's recommendations on treatment, evaluation and services are not binding, then **the recommendation is binding pending review by the Court.** If there is no objection within seven (7) days of the recommendation being made, then the recommendation is binding pending a substantial change in circumstances such that the recommendation is no longer reasonable.

C. Objection to Recommendations. If either Party objects to the recommendations

by filing a petition to the Court for a hearing, within the time limit, the Court shall hold a hearing on whether or not such recommendation shall remain binding. The hearing shall be an expedited hearing, and if possible shall be conducted by summary testimony from counsel. Counsel shall keep such objections and hearing specific and concise. No issues not raised in objection to the Recommendations shall be addressed by the court in this expedited hearing.

D. Level of PC. The PC shall file a recommendation with the Court when and if the PC believes it necessary to modify the Level at which the PC is operating.

4. Issues for the PC to address:

The PC shall always address the basic co-parenting issues which include but are not limited to the following list:

- a. implementing any voluntary or court-ordered plan or schedules so that the child(ren) have continuous and consistent contact with both parents;
- b. vacation and/or holiday schedules;
- c. transportation issues;
- d. methods of pick-up and delivery;
- e. dates and times of pick-up and delivery;
- f. childcare, daycare and babysitting issues;
- g. extracurricular and enrichment activities;
- h. bedtime issues;
- i. diet issues;
- j. clothing issues;
- k. discipline issues;
- l. healthcare management;
- m. participation in parenting time by significant others, relatives, etc.;
- n. in the case of infants and toddlers, increasing parenting time when developmentally appropriate pursuant to the Indiana Parenting Time Guidelines or existing court order;
- o. educate parents on how to effectively:
 - i. communicate and negotiate;
 - ii. develop and apply parenting skills;
 - iii. meet the developmental needs of their child(ren);
 - iv. disengage from each other when engagement leads to conflict;
 - v. keep their child(ren) out of the middle of their adult disagreements; and identify the sources of their conflict with one another and work jointly to minimize conflict and lessen its harmful effects on the child(ren);
 - p. monitor the safety issues on behalf of the child(ren);
 - q. monitor safety issues in those cases involving domestic violence;
 - r. monitor implementation of a voluntary or court-ordered parenting plan or contact/parenting time schedule and mediate the parents' disputes regarding such plan or schedule;

In addition, the PC shall address the following issues specific to these Parties (check all that apply):

- _____ recommend to the parents that one or both parents avail themselves of available and appropriate community resources, including, but not limited to, physical examinations, random drug screens, parenting classes, custody evaluation, and individual psychotherapy; and if such a recommendation is made, the PC shall select and manage such treatment team, if the PC determines necessary;
- _____ write detailed guidelines or recommended rules to help the parents communicate with one another and practice implementing those guidelines or rules. If either parent lacks parenting skills, the PC shall work with that parent to teach the necessary skills or to refer the parent to an appropriate parenting skills course;
- _____ recommend a means of compliance with any parenting plan or parenting schedule in the Court's Order;
- _____ when the parents cannot agree on a resolution of conflicts, and when it is necessary to promote the child(ren)'s best interests, recommend modification of a parenting plan or contact/parenting time schedule, reduce such recommendations to writing, and provide them to the parents and to any attorney who represents either parent;
- _____ recommend a final decision on any parenting issue concerning which the parents reach an impasse, by submitting a written recommendation to the parties and their counsel, and the same shall be binding until further Order;
- _____ facilitate communication between the parents by serving, if necessary, as a conduit for information;
- _____ recommend, where appropriate, the institution or cessation of supervised visitation;
- _____ when the parents cannot agree on a resolution, make recommendations regarding religion, religious training and church attendance, when in the best interests of the child(ren);
- _____ recommend a final decision with regard to large changes in vacation and/or holiday time shares, when appropriate;
- _____ _____
- _____ _____

5. The PC shall not:

- (a) serve as a custody evaluator in the case

- (b) offer a binding recommendation for a change in the child(ren)'s primary physical residence, but MAY advise the parties or their counsel for the need of a review of custody or a custody evaluation;
- (c) address significant financial matters between the parents;
- (d) attempt to exercise judicial authority;
- (e) be contacted by either parent outside normal working hours, unless the matter constitutes a genuine emergency.
- (f) substantially alter the percentage of parenting time between parents.

6. Meeting with the PC.

- (a) In fulfilling his or her responsibilities, the PC shall be entitled to communicate with the parents and their children, separately or together, in person or by telephone; with the health care providers and mental health providers for the parents and the child(ren); and with any other third parties reasonably deemed necessary by the PC. The parents shall cooperate with the PC and shall execute any releases which may be necessary to permit the above communication to occur.
- (b) Each parent is responsible for contacting the PC to schedule and arrange initial appointments.
- (c) The parents shall provide copies of all pleadings, orders and correspondence that relate to the issues to be brought to the PC. These documents shall initially be provided within ten (10) days of the date of this Order.
- (d) Each parent shall direct any disagreement with the other parent regarding the children to the PC. The PC shall work with both parents to resolve the conflict, and, if necessary, will recommend an appropriate resolution to the parents and their legal counsel.
- (e) The parents and all agencies shall participate in good faith in the dispute resolution process.

7. Written and Oral Report and Court Appearances.

- (a) The PC may submit written reports to the parents and/or their counsel, if the parent is represented by counsel, describing any conflicts and the PC's recommended resolutions. The PC may also report to the parents and/or their counsel, if the parent is represented by counsel, with regard to parental compliance and attitudes regarding any element of the parenting plan or parenting time schedule.
- (b) A PC shall submit a written report to the parents and/or their counsel, if a parent is represented by counsel, at the completion of services, and may submit interim reports.
- (c) Copies of all reports shall be sent to the parents and/or their counsel, if a parent is represented by counsel, at least ten (10) days prior to any hearing in the matter.

- (d) When necessary, decisions of the PC shall be made orally and shall become binding when communicated to both parties orally. However, such decisions shall be communicated in writing as soon as practicable.

8. Terms of Appointment.

- (a) The PC is appointed for two (2) years, or unless discharged prior to the expiration of two (2) years.
- (b) The PC, at any time, may be discharged by the Court with or without petition from a party. The PC may be disqualified on any of the grounds applicable for the removal of a judge, mediator, or arbitrator.
- (c) The PC may withdraw from acting as PC in the case at any time and for any reason, provided that notice is given to the parties and their counsel.
- (d) At the completion of services, the PC shall forward a closing statement to the parents and/or their counsel, if a parent is represented by counsel. After the case is closed by Court Order, the PC may be available as needed to the family if reinstated by an Order of the Court.
- (e) No therapist-patient relationship and/or privilege is created between the PC and the parents or the minor child(ren).

9. Confidentiality.

There is **NO** privilege or right of confidentiality between the children, the Parties and the PC.

10. Cooperation/Release of Information.

The Parties are ordered to cooperate with the PC, provide all relevant documentation to the PC, and to sign any and all release of information forms, or otherwise provide all authority necessary for the PC to obtain all medical, educational, counseling and treatment information of the Parties, the children or any other person as necessary to the role of the PC.

Further, the Parties, or their representatives are ordered to provide and gather all information necessary to the role of the PC, including but not limited to medical, educational, counseling and treatment information of the Parties, the children, or any other person necessary to the recommendations of the PC.

11. Incorporation of Agreed Matters into Enforceable Court Orders.

Although one of the goals of the PC is to encourage parents to harmoniously resolve shared parenting issues without the need for a Court hearing, the negotiated or agreed matters shall be memorialized in writing, signed by the parties, copied to counsel if the parties are

represented, and submitted by the parties or their counsel to the Court for approval.

12. Authority, Qualifications, and Expertise.

This appointment is based upon the expertise of the PC as a qualified mental health and/or legal professional. Further the Court finds that such PC is entitled to judicial immunity pursuant to Indiana law.

13. The Court Further Orders That

SO ORDERED this _____ day of _____, 200__.

JUDGE, _____ County Court No. ____

Distribution:

Attorney for Petitioner
Attorney for Respondent
Parenting Coordinator

PARENTING COORDINATION INFORMED CONSENT CONTRACT

1. What is parenting coordination?

Parenting coordination is an intervention designed to help a family deal with potentially disruptive conflict. It has been formally and extensively implemented in several states of the U.S.A.

Parenting coordination involves a conflict manager, called the parenting coordinator, or PC for short. The PC is assigned by the Court or by stipulation through the Court.

2. What is the parenting coordinator's role?

The PC's role is to help the parents manage and resolve their conflicts, attend to the needs of their child(ren) and ensure that their child(ren) are safe and well. The scope of the PC's role and authority is determined by the Court.

In all cases, the PC's role includes meeting with the parents on an as-needed basis to help them communicate and resolve their conflicts in a manner that will benefit their child(ren). Toward this end, the PC assesses the family dynamics and the needs of the child(ren). The PC serves as an advocate for the child(ren). The PC provides helpful information to the parents, such as information about how to communicate and resolve their conflicts, how to manage their emotions, how children's needs change as they develop, effective parenting techniques, and how the roles of parents change as children mature. The PC also facilitates effective communication and conflict resolution between the parents, so that issues get resolved in a timely and child-focused manner. The PC's ultimate goal is to help the parents develop an effective co-parenting relationship that attends to the needs of their child(ren).

The PC encourages the parents to make every effort to resolve their disputes themselves, in good faith, and in a respectful, cooperative, and mutually acceptable manner. However, the focus is always on the best interests of the child(ren).

The PC seeks to obtain information that is necessary to understand the issue or issues presented by the family. The PC generally will obtain relevant information from each parent, and may also obtain information from other sources when needed. These other sources of information may include the child(ren), the child's siblings, extended family members, teachers, medical care providers, mental health counselors, child custody evaluators, the guardian ad litem, daycare providers, and the parents' attorneys.

The PC can help the family deal with a variety of issues. Commonly, the PC deals with disputes about parenting time, telephone access, transportation of the child(ren), child care, parenting issues, exchange of information issues, and the children's social, emotional,

academic, and medical needs.

In many cases, the court provides that the PC may also give a limited binding recommendation to resolve parental disputes when the parents reach an impasse on issues that need to be resolved for the child(ren). The PC issues a binding recommendation based on information requested and received during the process of trying to resolve the dispute.

However, the PC's recommendation is binding only to the extent specified by the Court and is subject to any appeal processes specified by the Court. The PC defers, at all times, to any specific orders of the Court, recognizing the Court's authority and ultimate responsibility to determine the best interests of the child(ren). (See also item #11 below.)

Before giving a binding recommendation, the PC generally will obtain relevant information from the parents and the other information sources as already noted. However, when the PC believes that an immediate decision is necessary for the sake of the child(ren), she/he may issue the binding recommendation on the basis of information already reviewed, pending receipt of further information and issuance of a new decision, if necessary.

Sometimes the Court also provides that the PC may select and manage a treatment team consisting of mental health professionals for the child(ren) and/or the parents. In such cases, the PC may refer the child(ren) and either or both parents to the mental health professionals for evaluation and/or treatment services. This would be done when difficulties of an emotional/behavioral nature are relevant points of conflict or quite probably would interfere with the parenting coordination and the duties of the PC.

3. How are meetings with the PC scheduled?

Meetings may be scheduled at the request of either parent or the PC. Generally, meetings last one to two hours. Meetings are scheduled according to the needs of the case.

The PC chooses who participates in the meetings. Depending on the needs of the case, the PC may meet with the parents and/or the child(ren), siblings, extended family members, family friends, or anyone else whom the PC believes may be an important source of relevant information or a potential resource for resolving the issues presented by the family and helping the children.

The PC may choose to meet with such persons individually, in dyadic pairs, or in small or large groupings. The PC may choose to include or exclude certain family members or associates of the parents, such as stepparents, live-in partners, the parents' attorneys, and significant others. The PC may privately interview any of these individuals for the purpose of the parenting coordination.

4. Time Allotted:

The PC is authorized to tell one or both parents if she/he believes that an inordinate amount of time is being taken by either or both parents in the process of dealing with disputes or other issues. Ultimately, the PC shall determine the amount of time spent on resolving a dispute. Typically, the amount of time will be proportional to the nature and significance of the dispute, as decided by the PC.

5. How should issues and other information be submitted to the PC?

The PC may determine how issues are submitted by the parents. However, unless otherwise indicated by your PC, the preferred practice is that the parents must submit their issues to the PC in writing, preferably typed, at least 48 hours ahead of the parenting coordination meeting.

The written communication may either be mailed via the U.S. mail, hand-delivered, or sent via fax. Parents should specifically identify in such communications what is at issue, what they want, their reasons for what they want, and any evidence or sources of evidence that would support their view in the matter.

Parents should first try to resolve the issues on their own, before they submit the issues for parenting coordination. Unless otherwise specified by the PC, parents should send a copy to the other parent of what they submit to the PC, so that both parents and the PC may be as prepared as possible to have a productive meeting.

6. Confidentiality and Communication by the Parenting Coordinator:

The PC's work with the family is not confidential. At his/her discretion, the PC may share information for the purpose of the parenting coordination. Information provided to the PC by the parents, the child(ren), and others may be disclosed by the PC in written reports on binding recommendations, in progress and recommendation reports to the attorneys of the parents, in communications between the PC and collateral information sources, and in other communications as necessary for the duties of the PC. This information includes but is not limited to the following: (a) that the PC has reason to believe that a child is in need of protection; (b) that either parent or another person is in danger of bodily harm; and (c) that the PC has learned of the intent to commit a felony.

The PC will issue reports on binding recommendations and on the progress of the parenting coordination to the attorneys of the parents. If necessary, the PC also will report back to the attorneys and to the court should either parent fail to cooperate, endanger the child(ren), or seriously threaten the relationship between the child(ren) and the other parent.

7. Fees and Billing:

The PC’s time is billed at _____ per hour. This includes but is not limited to time spent by the PC reviewing documents and correspondence, meeting with the parents and child(ren), deliberating and issuing written communications, traveling to and testifying in court, and speaking with the parents, their attorneys, or others via telephone.

Unless otherwise specified by the PC, the parents shall pay the PC’s fees and costs in the following manner:

_____ shall pay _____ % and
_____ shall pay _____ %.

Unless otherwise specified by the PC, fees are paid on a retainer basis. Upon signing this contract, the parents shall pay a retainer which totals _____. The PC shall be entitled to the retainer as she/he spends time on the parents’ case. Each parent shall immediately replenish his/her portion of the retainer to the original level when the retainer is depleted. The PC will notify the parents when the retainer has been depleted. **Accounts past due thirty days will be charged interest at the rate of 1.5% per month compounded monthly (19.6 Annual Percentage Rate).** At the end of the parenting coordination process, any retainer amounts remaining shall be returned to the parties.

In the event that the parents must reschedule or cancel an appointment, unless they notify the PC more than 48 hours prior to the scheduled appointment, they will be billed for one hour of the PC’s time. In the event that one of the parents does not appear for a scheduled appointment and has not given 48 hours advance notice and the other parent does appear or is prepared to appear, the parent who does not appear shall be responsible for both parents’ fees. Non-payment of fees shall be grounds for the resignation of the PC.

Notwithstanding the above, the PC reserves the right to assess costs differently or disproportionately, if in the sole discretion of the PC either of the parents is acting unreasonably or not in good faith, creates unnecessary problems in the resolution of an issue, or in other ways unnecessarily utilizes a disproportionate amount of the PC’s time.

Unless otherwise specified by the PC, the PC will not prepare or submit billing for insurance companies for the services rendered.

8. Rule Adjustments:

This contract cannot cover all the particulars that may arise in every situation. The parents agree that the PC may establish new rules and guidelines to fit their unique situation. 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 child(ren).

9. Term:

The term of the PC's service shall be a period of _____ months from the date of execution of this contract (from the later date if one parent signs on a date different from the other). At the end of the term, if one parent and/or the PC desires to terminate the PC's service, then the contract shall be terminated. The service of the PC may be terminated prior to the end of the term if both parents agree to do so or if the PC requests to withdraw prior to the termination date. The PC's service may be renewed, if necessary, by the same process it was initiated.

10. Parents' Responsibilities:

In addition to abiding by the other terms and procedures outlined in this contract, the parents shall make every effort to resolve their issues and disputes with each other in good faith and in a respectful, cooperative, and mutually acceptable manner. Their focus shall be the best interests of their child(ren), rather than their own needs and wishes, including any wishes to "win" the dispute or remain involved with the other parent.

The parents shall at all times endeavor to learn and employ advice from the PC in order to improve their communication and co-parenting. Parents shall come to meetings with necessary releases and otherwise arrange for and expedite communication of all relevant information to the PC. In some cases, this may entail the parents paying for the services of other professionals (such as a physician, in the case of a medical dispute) to provide expert input to the decision-making process.

11. Complaint Process:

If either parent has a complaint about the PC, he/she shall bring the complaint directly to the PC for resolution before taking any other action. Neither parent shall complain about the PC to the licensing board without first meeting and conferring with the PC in an effort to resolve the grievance. In the event that no resolution is reached, the parents and the PC shall attend a judicially supervised settlement conference on the Court's regularly scheduled settlement conference calendar prior to any other action being taken. The Court shall reserve jurisdiction to determine whether either or both parties and/or the PC shall ultimately be responsible for any portion of the time and cost the PC spent responding to any grievance, including the PC's attorney fees, if any.

12. Peer Consultation:

The PC may participate in peer consultation or receive feedback and support from a mentor in the process of fulfilling the PC role. The purpose of such professional consultation is to

support high quality service delivery by the PC.

13. Court Order Supercedes:

Where aspects of this contract differ from the provisions of a court order pertaining to the service of the PC, the provisions of the Court shall prevail and shall be followed. If a court appointment is in effect, and the PC or the parents wish to terminate the services of the PC, it shall be the responsibility of the parents to have the court vacate the appointment. If one parent wishes to terminate the services of the PC and the other does not agree, an order of the Court is required to remove the PC.

14. Attestation and Informed Consent:

Before signing below, be certain to ask your prospective PC any questions you may have about this contract. By signing below, you affirm that you have read, understand, and agree to abide by the terms and provisions of the foregoing contract, and that you hereby enter into an agreement with _____, to have him/her serve as the PC for you and your child(ren). The child(ren) covered by this agreement is/are:

_____.

We, the undersigned, have read and understand the above contract and agree to abide by its terms.

Signature

Signature

Printed Name

Printed Name

Date Signed

Date Signed

RECOMMENDATION REPORT

Date:

RE: John and Jane Doe

CAUSE NO.:

Pursuant to the Order re: Appointment of Parenting Coordinator dated _____ and the Parenting Coordinator Agreement signed on _____ by both parties and this Parenting Coordinator (PC), the parties entered into a session with the PC to resolve a dispute regarding father's discomfort with stepfather, Mr. Smith, coaching Joey Doe's (Mr. and Ms. Doe's son) baseball team and attending games when Mr. Doe is in attendance. The issue was submitted to the PC for a binding recommendation, and it was agreed that the PC would gather information from the child, Ms. Doe and Mr. Smith. In addition, the recommendations contained in a letter from the child's therapist were considered.

Findings:

Mr. Doe indicated that he was unaware that Mr. Smith was planning and had signed on to be an assistant coach of his son's baseball team, until he arrived for the first game. Mr. Doe indicated that due to his work schedule and the distance between his work and the child's township school, he was unable to sign on to be a head coach and was told by Ms. Doe that the team had enough coaches and did not need any further help. Mr. Doe indicated that he would have liked to have served as a helper or an assistant coach. Mr. Doe had attended some practices, but Mr. Smith was never in attendance and no one mentioned that Mr. Smith was helping with the team.

Ms. Doe indicated that she did not think there was a problem because she realized Mr. Doe has a long drive, could not make a majority of the weekly practices and had not told her he was interested in coaching. She did not think about mentioning to Mr. Doe that Mr. Smith was coaching. She denied any malice in this regard.

Joey Doe, age 10, indicated that he wanted his father to be a coach but thought that since Mr. Doe and Mr. Smith have a disharmonious relationship, he would not ask his father to be a coach, after he became aware that Mr. Smith would be helping with the team. He thought it was best to keep the information from his father. Joey has a close relationship with his father and his stepfather and ideally would like both of them to be involved in coaching his sporting

activities. However, he is uncomfortable with the conflict and tension inherent in this relationship and at this point, he does not feel comfortable when his father and stepfather are present together at his games. He discussed the scene at the first game in which his father found out about Mr. Smith coaching and an argument ensued between his father, mother, and Mr. Smith. This happened right before the game was ready to commence and the game was slightly delayed. Joey felt extremely embarrassed and cried. He told the head coach that “stuff like this always happens” and that he would rather not play baseball. However, Joey wants both his father and his stepfather to be able to watch him play baseball. He thought he would be most comfortable if neither his father nor his stepfather was a coach this season.

Mr. Smith, Mr. Doe, and Ms. Doe all corroborated Joey’s story. However, they each blamed someone else for starting the argument.

Joey’s therapist reported that Joey was very distressed by these events and seemed sad and withdrawn. Joey was pessimistic regarding the ability of his father and stepfather to remain civil and tolerant of each other. The therapist agreed that the interpersonal relationship between Mr. Doe and Mr. Smith is currently volatile, and she recommended counseling for all the adults involved.

Neither Mr. Doe nor Mr. Smith was able to state that he could control his impulses toward the other. This situation was not the first time they had a verbal altercation in front of Joey and others. They both agreed that it would be best to seek counseling and that Joey was important to them.

Recommendations:

1. Mr. Smith should refrain from being a helper/assistant coach of the team this season. There are enough adults to help out, and his termination from this position would not be detrimental to the team.
2. Mr. Smith should only attend games and practices when Joey has parenting time with his mother.
3. Mr. Doe should only attend games or practices when it is his scheduled parenting time with Joey.
4. Ms. Doe can attend games or practices at her discretion.
5. Mr. Smith and Mr. Doe should attend counseling sessions together to attempt to resolve their issues such that they can work more cooperatively in Joey’s best interests. Joey’s therapist as well as the PC offered referral names.

Respectfully,

Name
Parenting Coordinator

Distribution:

Mr. Smith and Ms. Doe
Their attorneys

PARENTING COORDINATION 6-MONTH PROGRESS REPORT

Names: _____

Superior Court No. ____ Cause No. _____

Date _____

Parenting coordination was ordered by the court in December 2003. The role of the parenting coordinator (PC) has been helping both parents manage and resolve conflicts and attend to the needs of their children within the scope of the Final Custody and Parenting Schedule Agreement. Every effort was made to encourage them to resolve disputes themselves; however, information was obtained from third parties when necessary to understand the issues, i.e., children's pediatrician, teachers, and pastors of the respective churches. Specifically, the issues addressed were: disputes about parenting time because of vague language in the agreement; telephone access; exchange of information; behavior at pick up-drop off; children's social, emotional, academic and medical needs; etc. Joint meetings were held on a monthly basis with both parents and the children were seen monthly with parents alternately transporting them. Both parents were cooperative and responsible to the process.

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

- Communication between both parents was agreed to be via email, copying the PC (unless time related issue)
- A set phone time was established on Sunday 4:30 - 5:00pm with the children initiating the call. It was determined that tape recording would be useful to avoid the he said/she said and as a reminder for parents to discuss appropriate material
- Etiquette for exchanges was established
- It was determined that the use of a new doctor must be agreed upon; and if disputed the children's current pediatrician, Dr. Smith, would provide input
- Protocol for snow days and sick days was established
- An agreement for two one-week vacations was made

Parenting coordination was also a forum to share information about the children; negotiate the exchange of documents and belongings ordered by the agreement; and raise parenting concerns. With clearly defining vague or gray language in the agreement, crises were avoided and ultimately parental hostility and stress did not trickle down to the children.

There was noticeable relief in the children when transitions commenced at school. They did well academically in 1st grade. The teachers reported that in spite of the back-forth between households, the children were prepared each day, with homework completed and forms signed. The children were rested, groomed and dressed appropriately for each day.

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

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

The children also brought up issues and requests which parroted their mother. For example, "Mom says our clothes don't fit" and "I want to talk with Mommy more than just the Sunday phone call." With discussion it was revealed that their mother raised the issues and then directed the children to discuss them in the meetings.

In addition, it appears that the mother has made statements that have caused the children to doubt the PC. For example, the children said to the PC: "Mom told us that you took Daddy's side and didn't stay neutral and on the kids' side."

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

Mother displayed a distorted view of the father, seeing him as without redeeming qualities and specifically as abusive to the children. She constantly scanned the world for evidence of his harm to them. She viewed trivial events as having great significance; she interpreted

inconsequential remarks by the children as indicative of major problems; and she exaggerated the anxious remarks of the children and accepted their complaints about the father as facts. For example, when the children complained about normal disciplinary consequences from their father, the mother concluded the father was being abusive. Similarly, despite evidence to the contrary, the mother alleged that the father's church did not adhere at all to the Scriptures, and she believed that the father never dressed the children properly.

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

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

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

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

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

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

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

Respectfully,

Name
Parenting coordinator

Distribution:

The Attorneys

PARENTING COORDINATOR QUALIFICATIONS

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

- child development
- divorce adjustment
- domestic/family law
- family systems and dynamics
- domestic violence
- parenting education

Mental health professionals should ideally have three years post license experience in child, adolescent, and family treatment. Membership in state and national professional organizations is important. Mediation training and experience, and training and experience in custody/parenting time evaluations are recommended, including completion of at least six mediation and six custody evaluation cases.

Attorneys should be members of their state organizations. They should have experience in family law (3 to 5 years), mediation training, and cross training in child development/family systems. In addition, they should have continuing legal education in parenting coordination.

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

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

PC's who are expected to handle level 2 cases should also have a minimum of one calendar year of experience, and at least twelve cases with professional supervision as a PC. Any PC cases involving level 3 responsibilities, or any case involving aspects of domestic violence, parents with severe personality disorders or mental illness, parents locked in immutable impasses with a chronic litigation history, parents who have great difficulty making important mutual and timely decisions, and cases with allegations of physical or sexual abuse should be conducted only by a licensed mental health professional with more extensive experience as a PC and substantial continuing education in parenting coordination, such as PC workshops provided through AFCC.

Concurrent with the production of the present proposal for parenting coordination in Indiana, the AFCC Task Force on Parenting Coordination generated its “Guidelines for Parenting Coordination.” Published in May of 2005, the AFCC document covers important practice guidelines. The authors of the present proposal endorse and recommend those guidelines. At this time, the AFCC guidelines are the only practice guidelines for PCs produced by a major professional organization, and they are the most comprehensive guidelines available.

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

For ease of reference, the AFCC Guideline I, covering PC qualifications, is quoted below in its entirety. Please note that the complete AFCC document contains “Appendix A” which is referenced in Guideline I.

AFCC Guideline I

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

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

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

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