



RIVERDALE
MEDIATION
SERVICES + TRAINING

Parenting Coordination in Ontario

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PC what is it?

- A child focused dispute resolution process for high conflict parents with a history of ongoing child disputes who are likely to need help implementing the terms of their parenting plans.
- Combines dispute assessment, conflict reduction, skills coaching, case management, mediation, parent education and arbitration
- Objectives of the PC include providing resources for parents about development and psychological needs of child, improved communication and conflict resolution skills, clarity in interpretation of their parenting plan and closure of disagreements that impact the children.



Parenting Coordinators...

- Interpret, manage and support the implementation of parenting plan including, where appropriate, monitoring compliance
- Design proportionate, structured processes for identifying and resolving problems
- Implement systems and techniques for improved communication and conflict prevention
- Provide strategies and where required rulings that serve to reduce conflict between parents
- Provide framework, support and rulings where required to refocus on the children's needs



Historical Context of PC

- The term parenting coordination was first used in the US in the early 90's but the process has been in effect since the 80s under various names in both Canada and the US
- Practice emerged in response to the growing family court caseloads, repeated conflicts and ongoing litigation among high-conflict parents post separation and the growing evidence of the harmful effects of high conflict on children
- It is now widely used in the US and Canada although British Columbia and Saskatchewan are the only jurisdictions in Canada where a court can order parents in to the process
- It is court ordered in many US jurisdictions



Education and experience

- Mental health or family law professional with expertise in divorce, high conflict, contested parenting disputes, parenting plans, and with family dispute resolution processes.
- Should have experience mediating high conflict parenting disputes.
- Training for FDRP. PC:
 - Basic and Advanced PC courses (14 hours each)
 - Arbitration Training (40 hours)
 - All required courses for family mediation certification courses
 - [FDRIO requirements here.](#)



Models of PC in Practice

- Traditional model: one professional provides all services
- Dual professional model: MHP focuses on the parenting education/coaching and mediation phases of the process and the arbitration done by a lawyer.
- Other models presented at AFCC involved two PCs, one working with each parent
- Part of the a team approach for dealing with parents.
- Each offers benefits and challenges associated with cost, duplication of screening and other functions, maintaining confidentiality, and possible role blurring/overlap.



Benefits of PC for families include ...

- Stabilizing, neutral and trusted presence for families and children: an 'off-ramp'
- Channel of safe and respectful communication for children to their parents
- Provide buffer for child's therapy
- Reduce reliance on litigation and courts to resolve 'minor' legal issues
- Interrupt conflict spiral
- Safe place for parents to address ongoing conflicts



Benefits of PC (cont.)

- Reduce risk factors associated with poor outcomes in children following separation and divorce
- Promote protective factors linked to more positive outcomes
- Stem the drain on family resources
- Allow parents the time to work with a neutral professional and develop new patterns in conflicting behaviours.



PCs can effectively help parents...

1

Achieve clarity on details of parenting plan

2

Develop achievable communication patterns and strategies

3

Improve their post separation co-parental relationship

4

Learn new conflict management skills and decrease ongoing conflict

5

Be better parents



PCs do not.....

- Provide therapy, counselling or legal advice for any family member
- Provide formal assessments
- Diagnose anything
- Mediate outside of the PC process



Sources of Guidelines for Practice

- Association of Family and Conciliation Courts (AFCC)
- American Psychological Association (APA)
- Family Dispute Resolution Institute of Ontario (FDRIO)



Who can parenting coordinators help?

- Parents or guardians who, post separation, have patterns of very high levels of conflict in interpreting and implementing their parenting plan
- Parents/guardians who use their children to express their disputes
- Disputing parents/guardians with the characteristics of personality disorders and /or highly dysfunctional relationships that impact their parenting skills
- Parents/guardians who overuse the courts re parenting issues to express anger, maintain control, air grievances or exact punishment.



Reasons to screen parties out of private adjudication

- Ability to fund process
- Ability to comply with commitments of the process
- Capacity to participate fully without fear of retribution
- Mental illness or trauma that impacts their procedural needs in ways PC cannot address
- Risk of harm to a child resulting from parent participation
- Remedies not available might be needed, eg/ *parens patriae* jurisdiction, contempt power
- Child may need representation and parents cannot afford to pay for it



Is it confidential?

- PC Agreement defines whether open or closed
- If open, how open? Terms and conditions prescribed
- *Zyrmiak v McNamee* (2020 ONSC 5850): court did not permit disclosures in affidavit in closed PC process (settlement privilege)
- *Jirova v Benincasa* (2018 ONSC 534): Process was open except for screening
- *Joachim v Joachim* (2021 ONSC 8584): PC called as witness in open PC



Can a court order PC?

- No but they do anyways
- *Sue-A-Quan v Duarte* (2022 ONSC 1859): no jurisdiction
- *AE. v AB.* (2021 ONSC 7302) court ordered PC
- *Altman v Altman* (2021 PNSC 6610) court ordered PC.



Many different ways of PC

- Highly educational model
- Email model
- Structured continuous med-arb model
- Two-professional model
- Use of formal coaching sessions
- First joint meeting vs pre-process resources and instructions and using first issue as a teaching tool.



When is PC probably not appropriate?

- Extreme Pathology / Substance Use / Impairment
- IPV that causes fear of partner leading to inability to participate safely
- Coercive Controlling Behaviours that predict high risk
- Safety risks for children / parents / PC



Implications for PC

- Adversarial system often fails to protect victims of coercive controlling violence; mediation, when provided in safe settings, can empower victims and help keep them safe.
- Differentiation among types of domestic violence provides valuable indicators for the use of mediation.
- It is imperative that screening instruments have questions that identify factors that identify patterns of coercion and control, existence of fear of the victim, etc.
- Screening should be focused on risk assessment and have questions about both partners' violence to be answered by both partners.



Screening for IPV

- The Battered Women's Justice Project offers a recent and comprehensive set of tools and charts including:
 - Screening and interview guides
 - Parenting in the context of domestic violence
 - Best interests of the child domestic abuse analysis
 - Case planning guides
 - Readiness for co-parenting guide

[Practice Guides for Family Court Decision-Making in Domestic Abuse-Related Child Custody Cases, Battered Women's Justice Project, 2018](#)



Justice Canada HELP Toolkit

- [Released in 2022](#)
- How to have a conversation about DV with checklists and tips
- Explore immediate safety risks and concerns- guidance on safety planning
- Learn more about family violence to decide next steps (for lawyers mostly)
- Promote safety throughout the case
- Extensive Legal Response Guide and Supplemental Materials



Dealing with Inappropriate Cases

- Practice safe termination
- Referral to appropriate resources/lawyers
- Report safety concerns as required
- In some cases PC can establish structure and safety planning sufficient to move forward with file



When not to take a file

- Dual Sequential Roles
- Conflict of Interest
- Not neutral
- Beyond the scope of one's skill
- When you are triggered by a potential client and cannot manage your own emotions
- When you are at your case threshold



The Parenting Plan

- Your role is restricted to interpreting, implementing and managing the parenting plan
- You will work with the parties to identify holes, inconsistencies and areas of insufficient detail that might be causing ongoing conflict or allowing too much space and disengagement.
- Does the parenting plan protect the children from parental conflict? Your role is to identify, with the parents, where it might not and craft strategies to address the issue.



The PC Process

- Referrals
- First Contact
- Intake & Screening
- The PC Agreement
- First Joint Meeting/Information to parents
- Day-to-day PC work
- Consensus Building Stage
- Decision Making Stage
- Case Management
- Termination



The Role of Lawyers

- Support the PC process and give it a chance to work
- Move out of litigation mode with the client
- Be available to client for consultation
- Supportive of PC decisions
- Check in with PC for rationale for decisions
- Become background support



First Contact with Parties

- Usually contacted by party most interested in PC
- Need to establish impartiality from first contact
- Clarify process (i.e. open vs. closed; intake; fees; etc.)
- Initial assessment
- Do they have a comprehensive PP or order? And do they know what PC is?



PC Intake Questionnaire



- Should not overwhelm parties



- Questions about strengths and challenges



- Often can provide great insight into parties and issues



- Designed to inform your client interview