



THE PARENTING COORDINATOR: A NEW PROFESSIONAL ROLE FOR THE FORENSIC PSYCHOLOGIST

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The role of the parenting coordinator in the United States was born in the 90s, to help families to resolve conflicts when the couple's separation means that everyday disputes have not been able to be resolved, producing a high level of conflict and a large number of interventions with social workers, as well as health and/or legal interventions. The aim of this study is to present the role of the parenting coordinator, a highly specialized person that intervenes effectively in these families to minimize interparental conflict, to the benefit of the children and also the parents. The experience of the role of the parenting coordinator in other countries has been a useful model in the reduction and resolution of conflicts in the family courts.

Key words: Parenting coordinator, Conflict resolution, Relationship breakdown.

La figura del coordinador de parentalidad nació en Estados Unidos, en los años noventa, para ayudar a la resolución de conflictos de familias que en la ruptura de la pareja no son capaces de resolver disputas cotidianas y sostienen un elevado nivel de conflictividad con gran número de intervenciones sociales, sanitarias y/o judiciales. Nuestro objetivo es dar a conocer el rol del coordinador de parentalidad, que es un rol altamente especializado para intervenir con efectividad en estas familias y minimizar el conflicto interparental, en beneficio del/s hijo/s y de los progenitores. La experiencia de la figura del coordinador de parentalidad en otros países se ha mostrado como un modelo útil en la reducción y resolución de conflictos en los juzgados de familia.

Palabras clave: Coordinador de parentalidad, Resolución de conflictos, Ruptura de pareja.

Since the possibility of divorce was introduced in Spain (Law 30, 1981), between 2001 and 2010 more than a million couples dissolved their relationship (see Table 1). During the six year period between 2002 and 2007, in the Family Courts of Barcelona, there was an average of 8,300 cases of separation or divorce per year (see Table 2), and an average of 49.6% of the proceedings were due to contentious issues that took 4.3 months to resolve on average. Of the 8,434 cases that were registered in 2007, there were 2,197 that remained in subsequent management.

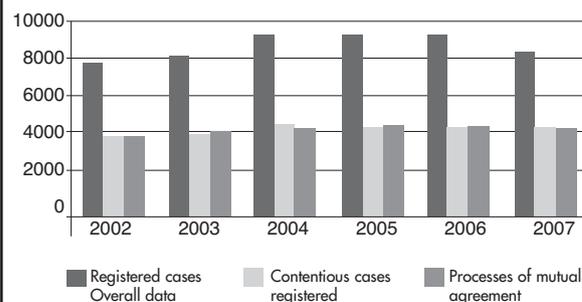
Since the 80s, several studies on the effects of divorce on children have described how ongoing confrontation between parents after divorce is correlated with a poorer adaptation of the children (Camara & Resnick, 1988; Chess, Thomas, Korn & Mittelman, 1983; Kelly, 2005; Kelly & Emery, 2003; Wallerstein, 1985). After the separation or divorce, disputes regarding the standards for the contact or the relationship between parents and children are those that generate the most anxiety to the whole family, especially the children (Galatzer-Levy & Kraus, 1999; Johnston & Campbell, 1988). These types of conflict have been a major public health problem (Lebow,

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TABLE 1
EVOLUTION OF MARRIAGE DISSOLUTIONS 2001-2010
SOURCE: INE [NATIONAL INSTITUTE OF STATISTICS], SPAIN.
REPRODUCTION AUTHORIZED COURTESY OF THE INE

	Total	Separations	Divorces	Annulments
2001	105,534	66,144	39,242	148
2002	115,374	73,567	41,621	186
2003	122,166	76,520	45,448	198
2004	132,789	81,618	50,974	197
2005	137,044	64,028	72,848	168
2006	145,919	18,793	126,952	174
2007	137,510	11,583	125,777	150
2008	118,939	8,761	110,036	142
2009	106,166	7,680	98,359	127
2010	110,321	7,248	102,933	140

TABLE 2
CASES REGISTERED IN THE FAMILY COURTS IN THE
CITY OF BARCELONA IN THE SIX-YEAR PERIOD 2002-2007



2003). Families characterized by severe parental conflict had problems that were extremely difficult to solve with the conventional methods of family therapy and/or mediation. Since the origins of the parenting coordination process (PCP) in the 1990s in the USA, the judges have understood that these families cannot resolve their disputes by legal means, because the obstacle is essentially psychological and they automatically resort to re-litigation, seeking judicial solutions for often irrelevant topics (Capdevila, 2013).

The increasingly widespread use of the PCP has been shown to have many advantages in alternative dispute resolution in the family courts as a form of intensive action in cases of the custody of children whose parents remained trapped in chronic conflict. The essential function of the PCP has been the creation of appropriate plans to build lasting parental relationships with the aim of resolving parenting disputes. A multidisciplinary group (Coates, Deustch, Starnes, Sullivan & Sidlik, 2004), with experience in different jurisdictions of the United States, examined some of the most difficult issues faced in the field of the PCP. These authors included legal issues, such as the quasi-judicial authority of the parenting coordinator (PC) derived from legal means, the jurisdiction of cases and the constitutional challenges. They stressed the need for training and research to advance responsibly in the emerging and promising role of the PC. Meanwhile, mental health professionals observed improvements in children when their parents participated in the PCP (Kirkland & Sullivan, 2008 quoted by Fieldstone, Carter, King & McHale, 2011; Vick & Backerman, 1996). In 1994, an unpublished study by Johnston on PCP in Santa Clara, California (quoted in an AFCC Working Group, 2003) showed a 25% reduction in court appearances in cases concluded by a PC (Fieldstone, Carter, King & McHale, 2011). Another study showed a 75% reduction in court documents involving minors, as well as a decrease of 50% in all cases presented, helping to reduce the high conflict, and decreasing the court time and resources used (Henry, Fieldstone & Bohac, 2009). Although studies on the effectiveness of PCP are still insufficient, a reduction in court cases has been observed where the judges ordered extra-judicial PCP.

Revisiting a seminal research investigation (Keilin & Bloom, 1986), a later study (Kirkland & Sullivan, 2008) set the objective of establishing a benchmark for alternative dispute resolution in the practices of judicial

PCP; the results showed that PCP was practiced in North America by experienced professionals working in a multidisciplinary way in all legal and mental health professions and acting by court order.

Despite the positive aspects, some critics (Barsky, 2011) have questioned the decision-making power of the PC regarding the duality of roles or, for example, the inability to guarantee safety or impartiality in cases of domestic violence.

Law 25/2010 of Book 2 of the Civil Code of Catalonia, states that a document must be submitted specifying the parenting plan in the settlement agreement of the separation or divorce, mandatory for all cases, whether consensual or contentious. The purpose of the parenting plan is summed up as the specification of the commitments assumed by the parents regarding the custody and education of their minor children, as well as the anticipated implementation of parenting responsibilities. Professional practice shows that the legal divorce is one thing and another is the emotional divorce, in which litigation becomes chronic with constant disputes, attempting to defeat and discredit the spouse, denying one's own responsibilities and making the protection of the children impossible at times. Thus, various different activities may be required with a psychologist that is specialized in this field (see Table 3).

The professional specialist intervention of the forensic psychologist is constantly evolving due to the demands arising from the social environment. In Spanish family law there are two forms of custody: joint and exclusive, depending on *the best interests of the minor*. A legislative trend toward joint custody (Torres-Perea, 2011) is currently evident, as shown by several judgments of the High Courts of Justice: (STS 4581/2009; STS 7257/2009; STS 2329/2010; STS 7302/2010; Book 2 of the Civil Code of Catalonia, 2010). About 55-60% of marital separations or divorces are by mutual agreement between the parties, but the judge is not bound by this agreement, because *the best interest of the minor* is a public interest (Caso, 2013). Whenever the regulatory agreement and parenting plan for the custody of the children is correct, the judge will respect the mutual agreement of both parties. Still, 40 - 45% of divorces are *ad litem* and at least 8% - 15% are highly contentious. These are families that have received a great deal of assistance, and the mental health and mediation professionals that have attended them feel that they lack the adequate tools to help within their professional



framework and the scope of their professional role. It becomes clear that these families require, as well as the help of a psychologist, "mediation for their disputes, psycho-education for the needs of their children, such as encouraging effective communication skills, conflict management or parenting skills", etc. Judges also feel a similar frustration watching the enforcements accumulate and the cases become more numerous as the conflict becomes chronic (Capdevila, 2013).

In another study, Ellis and Boyan (2010) applied a genogram to illustrate the difficulties of establishing a normal system of contacts and re-negotiation for five different types of families with two homes: 1) divorced family with minimum conflict; 2) divorced family with a conflictive relationship; 3) divorced family with a child in a close relationship with the mother; 4) divorced family

with the child distanced from the father; and 5) divorced family with very high parental conflict. These genograms were used to suggest parenting coordination interventions in five areas: 1) creating a safety buffering zone to facilitate the crossing of the co-parenting border; 2) helping the minor, by separating them from the parent that is causing the conflicting loyalties; 3) blocking intrusions from the progenitor generating the child's confusion; 4) strengthening the link with the excluded progenitor; and 5) weakening the pathological coalition in the parent-child dyad.

The pioneers of PCP (Boyan & Termini, 2003) created the Parenting Institute in Atlanta, where they developed one of the first training manuals for therapists who wanted to assume the role of PC working with high-conflict families.

TABLE 3
ELEMENTS INVOLVED IN THE PROCESS OF DIVORCE, SEPARATION OR ANNULMENT OF THE MARRIAGE RELATIONSHIP

Algorithm developed by Rodríguez-Domínguez, C. (2014)

Legal divorce	Elements	Mutual agreement	End of judicial process	Usual intervention in contentious proceedings
	1 / Settlement Agreement	No mutual agreement Contentious process	Contentious judicial case	Expert psychological reports requested by one or both of the parties. Expert psychological reports requested by the Court or Psychosocial Team attached to the Court. At levels of high conflict, Parenting Coordination would be introduced.
	2 / Parenting Plan			
	3 / Type of Guardianship and Custody: Joint, exclusive, mixed or removal of custody			
Emotional divorce	References for the Parenting Coordinator	Low conflict	Facilitate parents to resolve the situation themselves. Elaboration of bereavement and acceptance of parenting. Family mediation on occasion.	
	Theories on the affective link	Medium level of conflict	Facilitate the elaboration of bereavement. Collaborate in reducing conflict. Family Mediation. Expert reports.	
	Theories of Systemic Family Therapy	Theories of Systemic Family Therapy	High conflict and chronicity of legal incidents Adequate parenting coordination intervention process	
Parental conflict level	Low	Generally corresponds to cases that are resolved by mutual agreement. Psychologist intervention: Possible, but not necessary.		
	Medium	Ruling in the Court of First Instance and Instruction or the Family Court usually ends the conflict. Sometimes an appeal is made and this reaches the Provincial Court. Psychologist intervention: Expert report, family mediation, and psychotherapy.		
	High	Continuous re-litigation reaching higher courts and high consumption of psychosocial resources. Higher financial cost. Higher cost in psychological distress. Parenting coordination indicated		



The American Psychological Association (2012) published a guide for PCP practiced by psychologists, which emphasizes that the intervention principle of PCP focuses on the best interest of the child, helping parents in making the decisions to implement the parenting plan.

THE PARENTING COORDINATOR

These arguments, from the Anglo-Saxon sphere, led to the creation of the figure of the PC. A similar figure appeared in several states with slight distinctions and different denominations, "wise person" in New Mexico, "director of family court" in Arizona, "facilitator of shared parenting", "mediator/arbitrator" or "family mediator" in Buenos Aires, Argentina. As Capdevila (2013) explains, a new alternative to the courts emerged for the resolution of conflicts focused on children, which aimed to help parents to implement the parenting plan. These differences raised the need for a consensual definition, which the Association of Families and Conciliation Courts (AFCC) provided. In their guidelines (2005), it is indicated that Parenting Coordination

"is an alternative dispute resolution process that is child-centric, where a professional from mental health or the legal field with training and experience in family mediation assists highly conflicting parents, helping them to implement their parenting plan. The aim is to facilitate the resolution of disputes, to educate parents about their children's needs and, by consent of the parties and/or the court, to make some minor decisions within the scope of the ruling or appointment contract of the PC. "

A review of the literature (Lauter, 2010) on the treatments traditionally used by the judicial system and those provided by mental health professionals to families of high conflict revealed that clinical treatment and intervention in cases of high conflict divorces was still relatively undefined. It was suggested that the standards of practice had not yet been sufficiently developed for therapists in reference to co-parenting. The aforementioned author highlighted the need for further research to contribute to the reflection on treatment strategies, intervention models, and the evaluation of the limitations of professionals.

THE CANADIAN MODEL

The Canadian model provided an important contribution to defining the task of the Parenting Coordination practitioner. The PC is a professional who, due to their role, is in the best position to carry out effective

interventions in cases of chronic conflict (D'Abate, 2013). This author states that there are three main reasons to introduce the figure of the PC. Firstly, studies indicate that severe conflict between parents –verbal and physical disputes, persistent litigation, mistrust and hostility, distancing of a parent, among other things– puts the children at risk and destroys the benefits that positive parenting relationships can provide. Secondly, in the most difficult cases, judges often recommend mediation, expert evaluation or therapy, but these resources tend to be insufficiently effective when the parents are trapped in chronic conflict. And thirdly, families with high conflict divorces use many services of child protection, mediation, expert consultations, etc., while at the same time they initiate numerous legal proceedings that involve a high cost to society and to the family itself.

The figure of the PC aims to provide a specialized service of alternative dispute resolution between separated or divorced parents with a high risk of conflict. In these conflicts the figure of the PC responds to the best interest of the minor (L.O.1., 1996; UN, 1989), as children that are at risk have the benefits of any positive parental relationship destroyed as a result of the conflict between their parents. These conflicts involve numerous legal proceedings with a high financial cost, estimated at between 10,000 and 15,000 Canadian dollars per case in Canada (D'Abate, 2013).

The function of the PC is to advise parents about the needs of their children and help them to make decisions by consensus. The PC must have a professional profile with training in the following areas: parental coordination, family dynamics, separation and divorce, family mediation, domestic and gender violence, child abuse, knowledge of legal and procedural processes, knowledge about child and adolescent psychology, as well as participating in activities of continuing education.

The approach is presented from within a systemic and global perspective of family life and the reciprocal and interactive nature of the family members. The PC is a cross-disciplinary figure with the ability to fulfil different roles and he or she must be trained in mediation, therapeutic and social work practices, but must not act like the professionals in these fields (see Table 4).

The criteria for the appointment of the PC are: persistent conflict in co-parenting, parental history of drug abuse, history of family violence, mental health problems or behaviour in one or both parents, children with special needs and when a parent has a very negative or distorted



image of the other parent, or openly expresses a desire to limit or exclude the child's contact with the other parent (D'Abate, 2005).

The PC must maintain an impartial attitude and highlight the important issues in order for pacts and agreements to be reached.

THE ARGENTINE MODEL

The model of PCP carried out in the Family Courts of the city of Buenos Aires is called therapeutic mediation (TM). In this approach, TM is focused on the journey toward emotional divorce, centred on the well being of the child (Bikel & Zanuso, 2013). It is a process ordered by the judge for working with high conflict divorces, focused on prioritizing the care and support of the children, rather than the court litigation and the needs of the parents. It is focused on current parental interaction, not on personal issues or previous conflicts. It is a regulatory process that makes recommendations and provides guidelines when the parents fail to agree, always notifying the judge. In the Family Courts of Buenos Aires, the judges are trained in family therapy and they work together with the TM team. The emotional impact of the parental conflict on the children is assessed. TM safeguards their emotional and physical needs, develops a co-parenting plan to try to achieve a consensus between the parents that must be signed by both parties, monitors compliance with parenting plans and helps to modify them if necessary and, finally, informs the judge about the process. TM differs from mediation because in TM there is no confidentiality agreement, the focus is strictly on the well-being of the children, suggestions and advice are given and, if necessary, decisions are made. Mediation, on the other hand, requires a confidential process, promotes conflict resolution between the parties and seeks to facilitate the communication process. In the TM system, the professional is in permanent contact with the judge, with the lawyers on both sides, with the individual psychotherapists involved and with significant adults (teachers, relatives, doctors, etc.). The TM process starts with individual sessions in which a brief history of the couple and the divorce is noted. The individual's perception of the reasons for the divorce is observed and the individual responsibility within the conflicts is sought. The issues to be noted include significant events in the couple's relationship; inappropriate personal emotions; the perceptions of the children; the view of each of the parents regarding the children's behaviours, needs and

emotions; the ability to separate the parents' own needs from those of their children; and the interest in the present and future relationship. Then a joint session is held to explain the rules and objectives of TM, signing an agreement between the parties. The care suggested by the judge is highlighted. The parents' issues of concern relating to their children are expressed. The negotiation of the co-parenting plan is considered specifically and in detail with the parents. The evaluation includes the personality characteristics of each parent; the dynamics of the interactions; the low, medium, or high level of conflict between the parents; the functioning of the shared parenting and examining the children's behaviour. In this model, the co-parenting plan includes: the communication between the parents; agreements for the transfer of children; agreements regarding telephone contact between the parents and between the parents and the children; agreements on sharing objects such as the

TABLE 4
DIFFERENCES OF PARENTING COORDINATOR ROLES
WITH PSYCHOTHERAPY, FAMILY MEDIATION
AND FORENSIC EXPERT EVALUATION.
ADAPTED FROM ELLIS AND BOYAN (2010) BY D'ABATE (2013)

	Parenting coordinator	Therapy	Family Mediation	Evaluation (Guardianship and Custody)
Requires skills in mediation	Yes	No	Yes	No
Knowledge of legal aspects	Yes	No	Yes	Yes
Training in child development	Yes	Yes	Yes	Yes
Authority (capacity for decision-making)	Yes	No	No	Yes
Confidential process	No	Yes	Yes	No
Voluntary participation	Yes	Yes	Yes	Yes
Can modify Parenting Plans	Yes	No	Yes	Yes
Directs and can give advice to progenitors	Yes	Yes /No	No	Unnecessary
Supervise the compliance with the court order	Yes	No	No	No
Requires legal testimony	Yes /No	No	No	Yes
Role of educator to parents	Yes	No	No	Yes
Long term follow-up	Yes	Possible	No	No
Focused on the best interests of the minor	Yes	Possible	No	Yes



child's clothing or personal toys between the two households; work on the flexibility of schedules; dealing with the children's refusal to spend time with the noncustodial parent; and regulating the procedures in the event of emergency situations. The objectives of TM are to achieve the emotional divorce and to construct a functional co-parenting, prioritizing the right of children to love and enjoy both parents, as well as to enable them to achieve fluid and frequent contact with both parents without getting caught in the marital conflict. The bereavement of the emotional divorce involves being able to abandon the chronic litigation proceedings and to rebuild a functional symmetrical relationship between the partners; separating the children from the marital conflict; aiming to repair the egotistical damage, self-esteem and to restore the mutual confidence of both parents. Essentially, family TM aims to help restore the damaged bonds and distinguish them from those that remain intact (Bikel & Zanuso, 2007).

FINAL REFLECTIONS

There are positive and negative aspects of the proposal to incorporate the figure of the PC. Despite the rapid expansion of the roles, according to Sullivan (2008), the literature has yet to explore the reasons why this role may be effective with the group of divorced people in chronic litigation. Questions remain, however, about whether the process of effective coordination in parenting is to disconnect the highly conflictive participants from the conflict, when there are problems of inequalities in the power and control that are typical in violent families. The efforts of the PCP to promote and maintain a higher level of involvement may do more harm than good in child custody cases with high conflict. Therefore, the objective of the PC, in relation to parents with high levels of conflict, must be structurally to disconnect the participants from the conflict using the multiple unique functions of PCP to increase the specificity of the parenting plan, which functions as an interface for communication between the parents and to assess their interaction in collaborative decision making.

Moreover, even if the co-parenting disconnection is effective, if the process is not able to isolate the toxic aspects of the conflicts on children, –conflicts of loyalties, image denigration of the other parent, exclusion phenomena– these are factors that could still have a negative impact on the adjustment of children, even when the PCP achieves its objectives.

As Carter (2011) points out, the role of the PC requires

a qualified professional with integrated skills from various professional areas such as family mediation, psychotherapy, systemic training, legal expertise in family law, conflict resolution skills, child psychology, domestic abuse and gender violence. Consequently, extensive training is required.

We cannot ignore the warnings of Barsky (2011) on the difficulties that may arise in this work, especially if the PC cannot guarantee safety and impartiality in cases of high conflict or with signs of gender violence. One of the negative aspects of PCP could be that, although it might reduce the number of social and health care cases, thereby reducing the financial cost to the government, the cost of a lengthy procedure would fall to these families who are already incurring high costs due to the continuous re-litigation. Also in the Spanish state, the figure of the PC does not yet exist. According to Trepat-Farré (2013), it is possible that the judge may request external services to try to resolve the problem, but of course this will be done with the consent or voluntary acceptance of the litigants, as it will involve another cost for them. An agreement is currently being drafted with the Dean of the Courts of Barcelona for the implementation of a pilot project on PC (InfoARC, 2014).

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