

PARENTING COORDINATION (PC) PRACTICE: A SURVEY OF EXPERIENCED PROFESSIONALS

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This study summarizes a survey of experienced North American parenting coordinators (PCs). The survey was modeled after a similar seminal study of child custody evaluators (Keilen & Bloom, 1986) and seeks to establish a similar baseline standard in alternative dispute resolution (ADR) court-sanctioned PC practices. Results reveal that PC is being practiced across North America by highly experienced practitioners that are multidisciplinary across legal and mental health professions who work by court order. These PCs work with a specific written PC agreement that specifies basis of authority, scope of authority, terms of service, retainer/fees, and grievance procedures. Results characterize PC as an increasingly established hybrid ADR court-sanctioned role that is effective precisely because of accessibility to families, the unique knowledge base of the family law professional concerning the dynamics of divorcing families, and the court-granted authority to help families resolve disputes that are generally more familial and psychological than legal in nature.

Keywords: parenting coordinator survey; parenting coordination practices; professional PC development

The postdivorce multidisciplinary, professional activity of Parenting Coordination (PC) is rapidly growing as a court-appointed role for forensic mental health professionals (FMHPs) and attorneys (Coates, Deutsch, Starnes, Sullivan, & Sydlík, 2004; Kirkland & Kirkland, 2006; Sullivan, 2004). Valuable prejudgment services in the form of mediation and child custody evaluations (CCEs) naturally lead courts to consider utilizing court-appointed professionals to assist families with postjudgment needs and challenges (Johnston & Campbell, 1988). Sullivan (2004) describes the PC role as a legal psychological hybrid, “demanding knowledge and skill in legal domains (legal procedure, relevant case law, etc.), psychological domains (child development, family systems, etc.), and dispute resolution (mediation and settlement processes)” (p. 576).

The practice of PC would benefit from a comprehensive survey of current practices across jurisdictions. Similar assessments have been associated with positive professional development and evolution of uniformity of practice in the arena of CCEs (Keilen & Bloom, 1986; Ackerman & Ackerman, 1997; Bow & Quinnell, 2001). Keilen and Bloom (1986) initiated the national assessment of CCEs with their seminal study of the CCE field. This study seeks to establish a similar baseline standard in the study of the professional practices of experienced PCs.

GROWTH OF THE PC MOVEMENT

The field of PC as a multidisciplinary profession has evolved from the success of family courts relying on the consultation of FMHPs and attorneys to domestic courts and their

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clients/subjects: divorcing parents and their children, and/or families going through the reorganization of divorce. Historically, family court judges have relied on FMHPs to assist with prejudgment questions such as which parenting plan served the involved families by meeting the relevant legal standard, for example, the best interests standard.

In September 2000, the American Bar Association (ABA) convened the Wingspread Conference, a multidisciplinary meeting sponsored by the ABA's Family Law Section (Johnson Foundation: Wingspread Conference Center, 2000). This international conference was designed with the goal of formulating an action plan for the reform of the legal system in the best interests of children. The conference concluded that courts, attorneys, and mental health professionals have the best chance of influencing how high-conflict cases are handled. The conference attendees recommended that "Parent Coordinators or Monitors" that are trained to manage high-conflict families be provided as a fundamental service within the court system (Johnson Foundation: Wingspread Conference Center, 2000).

The Association of Family and Conciliation Courts (AFCC) has coordinated and documented this professional development by providing the professional forum for role growth and comparison for PC and a variety of other family court-related roles such as parenting education programs about divorce, a variety of alternative dispute resolution (ADR) services, and CCE practices. Specifically, PC development has benefited from a PC task force (AFCC, 2003; AFCC & Martindale, 2007) and an ongoing Web-based PC online discussion group, as well as peer-reviewed articles on PC in specialty journals such as *Family Court Review*, *Journal of Child Custody: Research, Issues, and Practices*, and *Professional Psychology: Research and Practice*.

The ability to compare roles and functions of PCs across jurisdictions through AFCC quickly led to the discovery that the role was characterized by an interesting evolution in nomenclature. While essentially similar in function and practice, the role was being called by many different names across jurisdictions. For example, the role has been called "special master" in California, "med-arbiter" in Colorado, "wise person" in New Mexico, "custody commissioner" in Hawaii, and "family court advisor" in Arizona (AFCC, 2003). The AFCC Task Force on Parenting Coordination has suggested consistent use of the term "Parenting Coordinator" for the sake of continuity and comprehensiveness of professional role development and consistency of practice across jurisdictions (AFCC, 2003, p. 2).

The ADR movement has expanded rapidly in the domestic law arena from divorce mediation to FMHP consultation in areas such as CCE; parenting education programs; programs to assess, treat, and prevent domestic violence; and postdivorce activities such as PC (AFCC, 2003; Kirkland & Kirkland, 2006; Sullivan, 2004). PC has evolved to include variables involving participation by mutual consent of the parties and parties being court ordered to participate with and without their consent. Other practice implementation variables include scope of authority factors such as whether the role involves the PC having decision-making authority versus simply the ability to assist with the implementation of preapproved parenting plans.

The growth of this professional role has included the development of an AFCC task force that produced model guidelines for PC practice and training and most recently includes development of an online PC network for sharing of professional information among PCs (AFCC & Martindale, 2007). In addition, seven states have passed PC legislation and a dozen more utilize standard orders or local court rules and regulations for the appointment of PCs by courts in postdivorce activities (AFCC & Martindale, 2007).

The purpose of this article is to survey current AFCC PC practitioners across the United States and Canada with regard to practice characteristics and techniques, as well as topics of board/bar complaints, civil lawsuits, and related ethical dilemmas and resolutions. There have been many excellent surveys of CCE practitioners (Keilen & Bloom, 1986; Lowery, 1985; Ackerman & Ackerman, 1997; Bow & Quinnell, 2001; Kirkland, McMillan, & Kirkland, 2005; Bow, 2006). These surveys have led to the clear establishment of minimum practice guidelines in the CCE arena (Kirkpatrick, 2004).

Kirkland and Kirkland (2006) observe that court-appointed FMHPs have just as much to offer postjudgment as prejudgment in the form of CCEs. As a result, it is becoming increasingly important to understand the nature, evolution, and effects of the current parameters of practice of PCs across U.S. and Canadian jurisdictions.

Kirkland, McMillan, and Kirkland (2005) randomly selected 100 experienced AFCC child custody evaluators regarding the ways in which they utilized collateral interviews in the process of conducting comprehensive CCEs. These researchers discovered that, among the 53 examiners who responded, there was universal use of the collateral interview in the multipronged process of CCE. Eighty-one percent of respondents in this survey reported use of both telephone and personal contacts in the process of collateral interviewing. Such data is useful in the process of exploring, assessing, and establishing routine practice patterns.

Base rate data and related information concerning the frequency and nature of board complaints and lawsuits has been shown to be of prime importance in assisting practitioners in the challenging processes of defending board complaints and civil lawsuits (Kirkland & Kirkland, 2001; Kirkland, Kirkland, & Reaves, 2004). National practice surveys can assist practitioners, licensure boards, professional associations (e.g., the American Psychological Association (APA) and the ABA), attorneys, and even malpractice carriers in the process of handling complaints and civil lawsuits in terms of risk management strategies (Kirkland, Kirkland, & Reaves, 2004). For example, Kirkland et al. (2005) documented an emerging practice trend in the CCE arena: the use of written questionnaires by evaluators in the area of assessing the opinions and knowledge base of collateral contacts. These researchers stated:

It is also evident that there is an emerging trend of using written questionnaires to standardize the third party interview process. The written response provides a permanent record of the thoughts, opinions, and views of collateral sources in their own words. Written responses may be purer sources of information from an evidentiary point of view precisely because they are the written words of the collateral source and can thereby preclude the interpretative link through the evaluator and can speak for themselves (Kirkland et al., 2005, p. 103).

The tradition of researching the practices of experienced professionals in the CCE world (Keilen & Bloom, 1986; Ackerman & Ackerman, 1997; Bow & Quinnell, 2001; Kirkland et al., 2005) has resulted in the establishment of standard practices and related professional guidelines (Kirkpatrick, 2004). Kirkland and Kirkland (2006) observed that PC professional development has benefited from similar professional evolution in the CCE world.

BASIS OF THE PC MODEL

Kirkland and Kirkland (2006) observed that there are at least eight sources for the development of the current PC model of practice. These factors include (1) the work of the

AFCC Task Force on Parenting Coordination and Special Masters which has generated a related report (AFCC, 2003) and the current AFCC Parenting Coordinator list-serv (AFCC & Martindale, 2007); (2) statutory law- seven states (Oklahoma, Idaho, Oregon, Colorado, Texas, North Carolina, and Louisiana) have passed legislation enabling implementation of the PC role (Yingling & Bartlett, 2007); (3) information borrowed from closely related guidelines such as APA's guidelines regarding psychologists who conduct custody and access evaluations in divorce (APA, 1994) and AFCC's model guidelines for Child Custody Evaluations (1995, 2007); (4) publications in peer-reviewed journals such as the *Journal of Child Custody: Research, Issues and Practices*, *Family Court Review*, and *Professional Psychology: Research and Practice*; (5) anecdotal reports from workshops and symposia of professional organizations such as AFCC and APA on the practice of PC by experienced practitioners such as Joan Kelly, Christine Coates, and Matthew Sullivan; (6) practice guidelines suggested or implied by the ethical codes of respective professional associations; (7) case law that results from personal injury lawsuits against PC practitioners; and (8) case law that results from appellate decisions where PCs have been used. As an example of the case law shaping the practice of PC/Special Masters, in 1997, a California appellate court upheld that the parties can stipulate to the special master making determinations which otherwise would be an unlawful delegation of judicial authority (*In re Marriage of Ruisi v. Thieriot*, 1997). The absence of specific statutory authority for methods agreed to does not bar the parties from entering into agreements adopting ADR methods.

The national PC practice prototype has evolved to include certain elements as the field has grown. Kirkland and Kirkland (2006) observed the need for a national survey of PC practitioners in order to fully learn about the range of practice variables across states and jurisdictions. Current practice variables in the form of recommended guidelines, based on existing case law and literature, have included some of the following essential features: (1) accept only court-appointed PC cases with a comprehensive court order; (2) make sure the PC is named by legal name as the "Parenting Coordinator"; (3) work with state bar and psychological associations toward a PC statute; (4) develop standardized procedures for case management including a comprehensive "Statement of Understanding" to cover definitions, role parameters, fee arrangements, releases of information, informed consent, grievance procedures, quasi-judicial immunity, and terms of service as well as termination; (5) work with local courts and judges to develop standard orders which cover the elements included in the "Statement of Understanding"; and (6) PC practitioners should recognize that some couples are so pathologically addicted to conflict, turmoil, and/or violence that effective PC will not be possible, and the only solution may be a very specific and rigid court order that leaves little or no room for interpretation (Kirkland & Kirkland, 2006).

It is proposed that this article is a timely and much-needed survey of PC practice across jurisdictions. As PC practice continues to expand, grow, and develop, requirements for standardization of practice increase. As FMHPs become increasingly aware of the need to produce results that meet evidentiary standards, use of standardized practices and formats have to increase as well.

This survey is designed to collect data and information from practicing PC's to demonstrate the characteristics of this evolving process. Adoption of a structured approach increases reliability, validity, and utility and decreases the possibility of PC bias. This study will also attempt to collect any practical techniques, pattern forms for practice, PC agreements, and so on.

METHOD

The AFCC is an interdisciplinary, international organization dedicated to coordinating professional practices, knowledge, and research findings among professionals toward the goal of promoting the best interests of children and families through the process of divorce. AFCC includes members from six continents and consists of attorneys, judges, mediators, academics, court administrators, researchers, parent educators, PCs, judicial officers, custody evaluators, and mental health professionals. AFCC members were asked to provide mailing addresses and were provided with a copy of the survey instrument either through e-mail or regular mail. Study participants came from at least two sources: identification of PCs from the AFCC membership directory contacted through the mail and e-mail with a survey instrument to be returned via the mail/e-mail and data collected in person from PCs attending an annual AFCC international CCE symposium in October 2006 in Atlanta, GA. A total of 100 participants were identified and contacted.

RESULTS

A total of 54 out of a possible 100 PCs responded to the survey. Twenty responses to the survey were collected in person by the first author in Atlanta during the AFCC Symposium. Thirty-four PCs responded via e-mail or through regular mail. These participants responded to a request for participation in the survey through the AFCC Parenting Coordinator Listserv and were then contacted by regular mail or e-mail, according to their preference. Survey participants responded to 20 questions concerning PC practice variables in their area. Results are summarized in Table 1.

WHO ARE PCS? PROFESSION VARIABLES BY THE NUMBERS

Of the 54 respondents to the survey, 24 (44%) were psychologists, 10 (19%) were MSW-level social workers, 8 (15%) were licensed professional counselors, 6 (11%) were bachelor's-level PCs (11%), and 6 (11%) were attorneys. While PhD psychologists continue to be the dominant career path represented in the pre- and post-court judgment services world of court-appointed FMHPs, it is clear that PC is a much more multidisciplinary professional activity than court-appointed CCEs, most of whom are psychologists (Bow & Quinnell, 2001; Kirkland et al., 2005). The sample also proved to be an experienced group of practitioners. The average number of total years of practice among this sample of PCs was 18 years, while the average number of years of practice as a PC was only 8 years. Clearly, PC is a relatively young field with a relatively brief history. A fielded literature search through the APA's excellent online search engine PsycINFO yielded a mere 232 journal articles with a start date in the mid 1980s, and clearly many of these articles, particularly the early ones, were technically not "PC" articles in the present sense of the term.

The percent of total practice devoted to pure PC by this experienced group of PC practitioners ranged from 5 to 70% with an average of 40% of total practice time being devoted to PC. Some respondents expressed surprise at their own responses in that they indicated that they had not previously realized that they had become so specialized in the PC world.

Table 1
PC Survey Results by Category

54/100 Total Responses	
Psychologists	24 (44%)
MSW Social workers	10 (19%)
LPCs Counselors	8 (15%)
B.A.-level PCs	6 (11%)
Attorneys	6 (11%)
TOTAL SAMPLE	
Average # Total Years of Practice	18 Years
Average # PC Practice	8 Years
Time Devoted to PC Practice	Range = 5–70%
Basis of PC Employment (TOTAL)	
Court Order Only	80%
Court Order or Mutual Consent	100%
Use of PC Written Agreement	80%
FEES	
Average # of Hours in Retainer	20 Hours
Average Hourly Fee	\$200 per hour
Lawsuits & Board/Bar Complaints	6 Board Complaints (11%)—0 Bar Complaints- 1 Lawsuit against a Psychologist PC—Dismissed by Summary Judgment
Malpractice Insurance	100% coverage—Only 1 PC carried supplemental specific PC Policy

Results are presented by category.

BASIS AND SCOPE OF AUTHORITY VARIABLES

All survey participants (100%) indicated that they only do PC work under specific legally sanctioned circumstances: either by court order or by mutual signed consent decrees. The great majority (80%) indicated that they function in this area *only* by court order. Case law teaches that the court order should specify the PC by specific legal name or put that practitioner at specific risk of running afoul of terms of malpractice insurance coverage (Kirkland & Kirkland, 2006). One practitioner from Colorado indicated that she no longer does PC without decision-making authority. There are two different PC practice levels in Colorado: PC decision makers, who “clarif[y] and implement[] existing orders,” and arbitrators.

The majority of PCs indicated that they use a specific, written PC agreement that addresses the following range of variables: basis of authority; scope of authority; terms of service; fees, retainer, hourly charge, and who pays what percentage—typically 50/50 split; disclaimers such as PC is not therapy, not legal advice, and that the process is not confidential; defines communication guidelines disallowing or specifying circumstances for ex parte communication with the respective attorneys and the court; lack of on-call services by PC; and rules for contact and engagement outside of scheduled PC sessions.

One experienced PC, who has been a national leader in PC development, delineates functions of the PC role in her PC agreement as follows:

[T]he primary function of the PC is to assist in implementing our parenting plan by helping us resolve our differences regarding our children and their care in a manner that serves the best interests of the children, minimizes conflict between us that could harm the children and fosters cooperation between us. The PC may assess the situation and educate us as necessary regarding child development, family dynamics, and facilitate communication between us and with others involved with our children. The PC may also facilitate negotiations between us, coach us on strategies of dealing with the other parent and with the children, and may refer us to other professionals, such as therapists (C. Coates, JD, personal communication, September 12, 2006).

The agreement should also point out that PC is not psychotherapy, is not a CCE, is not mediation, and clearly is a distinct, hybrid role (Kirkland & Kirkland, 2006; Sullivan, 2004). The PC agreements discussed in this survey also all included a specific grievance procedure as well as a section noting the attachment of quasi-judicial immunity to the role. The agreements discussed also included the mode of communication of decision making by the PC, for example, the PC would first attempt to facilitate a decision between the parties. Should that fail, the PC is empowered by the agreement and/or the court order to make a decision and notify the parties in writing. The agreements then generally specified the rights of the parties and procedures for review by the court. For instance, whether contested issues arbitrated by the PC are dealt with *de novo* or reviewed for abuse of discretion, much as an appellate court would review a trial court's decisions, should be detailed in the order appointing the PC.

In some states such as Colorado, the decisions of PCs designated as decision makers, have binding authority to resolve disputes between parties by making the decision after they have attempted to resolve the matter through facilitated communication with the PC. In Colorado, these arbiter/PCs can implement existing orders including disputes about parenting time, resolve specific disputed parental disputes, and even modify child support (Uniform Dissolution of Marriage Act, 2007). Interestingly, the Colorado statute prohibits the PC from being called as a witness in judicial, administrative, or other court proceedings concerning the case. The PC is also authorized by statute to interview the children privately in order to ascertain their needs in reference to the issues being arbitrated.

In 2001, Kirkland and Kirkland determined that many state licensure boards were experiencing a burdensome and exorbitant increase in the number of board complaints against practitioners conducting CCEs. As a result, some boards responded with statutory and regulatory or administrative rule changes in order to quash and control the flow of complaints. This national survey found that complaints were rampant, but findings of fault against practitioners were very rare (about a 1% occurrence rate of findings of formal fault). While even frivolous board complaints are not for the faint of heart, the data from this study clearly reveal that if one practices in this area, the CCE practitioner is very likely to encounter a board complaint, but the board complaint is very likely to be dismissed with a finding of "no probable cause" (Kirkland & Kirkland, 2001). We fully expect to see similar trends in the postdivorce world of PC. One developing trend has been to require participants with perceived grievances to take the issue up with the original court of jurisdiction rather than filing civil lawsuits or licensure board complaints, many of which turn out to be manipulative or vengeful in nature (Kirkland, Kirkland, King, & Renfro, 2006; Kirkland & Kirkland, 2006).

PC: DISPUTE RESOLUTION FOCUS VERSUS EVALUATIVE ROLE

The survey contained questions concerning the nature of the PC intake process and whether or not PCs utilized methods and tests associated with forensic evaluations. With regard to formal assessment procedures, the nonpsychologists in the survey noted that they do not ever perform psychological testing. Some respondents noted that they will refer out for psychological testing if they determine the need. However, several PCs surveyed noted that they felt it would be inappropriate to do or utilize psychological testing because PC, like mediation, is an ADR process and is not therefore a forensic evaluative process in the same sense that a CCE contains an investigative and evaluative focus. For example, one JD/PhD PC stated, "I never do psychological testing myself. If I thought a parent needed an evaluation, I'd send it out so no dual relationship would result. As a PC, I'm a junior judge, not an evaluator or a therapist. I rarely need testing."

Austin and Kirkpatrick (2004) described the investigative function of CCEs as "psychological detective work to check out competing assertions by the parents" (p. 24), a necessary element of the forensic scientist-practitioner paradigm. These research-oriented practitioners make it clear that forensic evaluations contain an investigative function that is absolutely necessary to assist the courts in answering behavioral and psycho-legal questions posed by courts and litigants' attorneys. By contrast, PC is a court-ordered function that involves implementation of a court-ordered parenting plan, rather than a focus on any forensic, investigative activity. Typically, one would expect that the PC activity would be able to benefit from a CCE that would already be in evidence. For many professional, ethical, practical, and legal reasons, it is vital that the PC practitioner keep those roles separate and distinct. Kirkland and Kirkland (2006) observed that the PC role is actually a more risk-laden professional activity than the CCE role for board complaints and lawsuits because of the longitudinal nature of the ongoing relationship with the participants.

Generally, responses indicated that PCs surveyed take a careful history of the past relationship and of the current parental conflict variables. Respondents frequently noted the universal need for the parents to achieve compartmentalization, that is, setting aside the past marital conflict out of respect for the more pressing needs of the children for the parties to successfully co-parent. In addition, many PCs in the survey noted that they typically have the benefit of accessing previous CCEs and of interviewing previous/current mental health providers and other caregivers.

One Texas PC noted specific use of the SORT Test TM (available on the Web for \$30 each at www.SORTTest.com) for assessment of risk tolerance profile as well as use of some mediation-negotiation principles from the Harvard "The 7 Elements of Effective Negotiation." It may be useful to note that it is not the use of the evaluative-investigative mode per se that makes an assessment forensic. Rather, it is the purpose for which the evaluative process is undertaken. In mediation, as in PC, the purpose is to learn about the parties so as to better facilitate communication, compromise, and agreement. In contrast, in CCEs, the purposes of evaluation and investigation are to form forensic conclusions and opinions which are, in turn, used by the courts to make legal rulings about such things as custody and access schedules.

Dr. Lynnelle Yingling, LMFT of Texas has developed two tests specifically for PC use. The first instrument is the Systemic Assessment of Family Environment (SAFE), a self-report instrument designed to measure three relational subsystem levels of family system functioning (Yingling, 1991). On the SAFE, ratings or scores can be graphed along interactional and organizational dimensions along four categories: competent, discordant,

disoriented, or chaotic. The SAFE has a child cartoon version and it also comes in a Spanish edition. These appear to be the first PC-specific assessment devices. This line of research and study needs much additional work. Survey results revealed that many psychologist PCs typically use a variety of traditional assessment instruments, for example, MMPI2, in initial stages of PC assessment and related services.

The second assessment device for PC use is the Global Assessment of Relational Functioning (GARF; Yingling, Miller, McDonald, & Galewater, 1998). The GARF is the first family assessment instrument to be recognized by the Diagnostic and Statistical Manual of Mental Disorder as a possible additional variable in the assessment of Axis V functioning of individuals in the context of family functioning. The GARF profile chart allows a rater to evaluate a family along dimensions of interactional, organizational, and emotional climate variables.

FEES AND RETAINERS

The hourly fees in this PC survey ranged from \$20 to \$300 per hour. Ninety percent of respondents indicated the use of retainers with a typical retainer of 20 hours being required for the PC case to get underway. Several practitioners noted the need for a fair amount of review and consultation work to occur before the initial meetings. Most parties split fee payments 50/50 in terms of financial responsibility. Many respondents noted that fee arrangements are routinely addressed in the court order. One respondent noted that he not only charges more for PC than for psychotherapy, but now that he is in a predominantly PC practice, he routinely takes more vacation time in order to recover from the added stress of working with high-conflict couples.

MEETING MODE VARIABLES AND COLLATERAL INTERVIEWS

Ninety-six percent of respondents utilize their office as the sole place of meeting with PC participants. Two of 54 respondents indicated that they sometimes utilize attorney offices and that they had even occasionally met in the homes of the parties as the cases progressed toward improved trust and communication. Clearly, the majority of PCs in this survey exclusively carry out the business of PC in their own offices.

The other critical variable in the mode of meeting category involves joint versus individual meetings. All respondents utilized some mixture of both. There was a trend present in the data, particularly among the more experienced PCs, that recognizes the need of many individual parties to utilize private caucuses with the PC as a primary meeting mode, placing the PC in a “shuttle diplomacy” role of going back and forth with elements of the parenting plan and other issues at hand, much in the tradition of mediation. This practice feature certainly emphasizes that PC is a form of ADR.

Collateral interviews with third parties are essential features of CCEs (Gould, 1998; Kirkland et al., 2005). The great majority (92%) of PCs in this survey indicated that they routinely use collateral interviews in their work as PCs. Of PCs who utilize collateral interviews, all indicated that they typically interview collaterals over the telephone and in person. One experienced PC made the point that he has also included the process of meeting routinely with the team of professionals who are working with a particular family as a method of PC case management.

Several respondents noted that the use of collaterals by PCs highlights the probative, evaluative component of the PC process. Talking with therapists, coaches, teachers, pediatricians, and so on often gives the PC vital third-party information that greatly enhances PC knowledge, which can lead to better feedback to the parties and the court. Such information can obviously also play a crucial role in facilitating PC decision making in situations/roles in which the PC has an arbitrative function. One respondent listed an example in which a PC was able to determine a child's true interest in an extracurricular activity by speaking with the child's teacher who had observational knowledge that was not being shared with either parent. This scenario was echoed several times in examples of situations in which a child therapist was able to clear up a situation in which a child was being manipulated by both parents trying to impose some outcome that was not child centered.

GRIEVANCES, TERMS OF SERVICE, AND TERMINATION

Kirkland and Kirkland (2006) present a dozen standards for PCs and in the process make the observation that PC is not for everyone. Specifically, these research practitioners note that there are some postjudgment co-parenting dyads that are not suitable for PC because they are inextricably locked in pathological levels of high conflict and/or violence and have no true interest in improving their parental relationship. This observation quickly leads to questions about how to terminate the PC relationship. In addition, the issue of terms of service quickly surfaces. There must be a way for the PC to terminate involvement in certain cases and there must be a method of objective review of PC conduct by the court. As mentioned above, the point has been made from multiple practitioners from multiple jurisdictions that some pathological and/or manipulative PC clients will attempt to have PCs removed from their case simply because they disagree with a PC position/decision and/or because they cannot manipulate the position of the PC. The court-sanctioned authority of the role needs to be defined and strong enough to meet and defeat any such challenge, but the role also has to be fully accountable to external review by the appointing court. In 2004, Matthew Sullivan observed that a "myriad of professional agencies" may potentially review the work of a PC. The first locale of review should be the court of jurisdiction, the appointing authority in the case, rather than allowing a manipulative PC client to "do an end around" that particular PC by filing a lawsuit or a board/professional association complaint.

Terms of service in this broad survey of PCs varied greatly between 1–3 years to open-ended with no review process. Several practitioners noted the existence of appointing PC orders that specified an open term of service, but provided that the role would automatically expire after 2–3 years if there was no activity in the case. Most PCs noted that they have the ability to resign or withdraw from any case at any time by writing the court and sending copies of the letter to the parties. Some experienced PCs noted that they have renewable terms of service contingent upon support by all parties. Several PCs noted that they have worked with given families for as long as 8 years. For some PCs, cases terminate when the kids grow up and leave home.

The process of grievance across jurisdictions universally ties the PC process and any related problems to the appointing court as the basis for PC authority and the authority to which the PC (and the parties) must ultimately answer. In most PC agreements and appointing court orders, the parties are specifically directed to take their complaint in writing first to the PC and then to the court. One PC has tried in vain to get a response from his

professional licensure board about this matter, but the board has chosen not to respond. The most common grievance process outlined involved the following series of steps: the complaint is initially directed to PC, first informally, then in writing, and finally in a hearing with the appointing judge for final resolution.

QUASI-JUDICIAL IMMUNITY

In most cases, PCs have been granted quasi-judicial immunity when the PC is court appointed and named by specific legal name in the court order (Kirkland et al., 2006). This protection has given practitioners some assurance of being able to execute their court-appointed role free of the fear of an angry party filing a lawsuit or a board complaint. This provision has led to the outcome of lawsuits being dismissed by the court at the summary judgment stage, with the court ruling essentially that the lawsuit had no legal grounds and thereby protecting the integrity of the court-appointed role (Hughes v. Long, 2001; Duff v. Lewis, 1998; Parker v. Dodgion, 1998; Steinburg v. Kirkland, 2004). Most jurisdictions using court orders employ language recognizing quasi-judicial immunity in the order itself. In Colorado, by statute, the PC does not have quasi-judicial immunity, while the PC decision maker does have quasi-judicial immunity. Colorado has a unique statute that recognizes two levels of PC practice: PCs that facilitate communication and implement existing parenting plans and PC decision makers that function more like arbitrators and can make determinations about access plans. The Colorado PC lobby attempted to include quasi-judicial immunity with both roles, but was only successful with one component of the legislation: the PC decision-maker role (C. Coates, JD personal communication, February 3, 2006).

BOARD/BAR/PROFESSIONAL ASSOCIATION COMPLAINTS AND LAWSUITS

There were 54 survey responses. Only 6 practitioners (11%) had encountered formal complaints, all mental health practitioners and no attorneys. Only 1 (2%) of 54 practitioners had encountered a civil lawsuit as a PC. This lawsuit, summarized in Kirkland et al. (2006), was dismissed by summary judgment (Steinburg v. Kirkland, 2004). Of the six FMHPs with board complaints, three were psychologists and three were LPCs. All board complaints were dismissed with findings of no probable cause. These risk management numbers compare similarly to the numbers encountered in the CCE field (Kirkland & Kirkland, 2001; Bow & Quinnell, 2001). In the high-risk CCE world, Bow and Quinnell found that 1 in 10 CCE practitioners had encountered a civil lawsuit, while 35% had encountered at least one licensure board complaint.

The Kirkland and Kirkland (2001) data revealed that, while CCE complaint levels are high, the actual findings of fault by licensure boards are very few and far between (1%). While the current numbers are relatively low compared to the CCE data, the PC field is relatively young and the same basic population that has resulted in massive increases in numbers of board complaints about predivorce CCE practice is bound to spill over into the PC arena. As indicated above, Kirkland and Kirkland (2006) speculated that the risk for complaints may actually be higher for PC than CCE due to the protracted nature of the PC relationship.

One mitigating factor may be the fact that most PCs are apparently using PC agreements that direct parties with grievances to deal with the PC or the appointing court first, rather

than going to the state licensure board or commence a civil action against the PC. The other possibility is that the PC movement may have benefited from some of the reforms that have been made by courts and licensure boards in response to dealing with the inundation of often groundless complaints generated by embittered CCE participants. It is also possible that there are relatively fewer complaints against PCs as compared to CCEs because many current PCs are wise, experienced CCEs who have learned to use airtight PC agreements and court-ordered case involvement as a means of protecting themselves against frivolous and vindictive board complaints and lawsuits.

MALPRACTICE INSURANCE ISSUES

PC survey participants were asked about basic malpractice coverage and the possible need for supplementary coverage specific to PC activities. Only one respondent indicated that they carry supplemental malpractice insurance to cover PC activities. All other respondents indicated that they either assumed or knew (because they had asked) that their primary malpractice carrier (e.g., American Psychological Association Insurance Trust (APAIT) for psychologists) would cover their activities as a PC. When the first author was sued as a PC, APAIT provided stellar services with regard to emotional, legal, and financial support.

APAIT representatives have repeatedly assured us that, as an insured psychologist, that practitioner is covered regardless of the professional activity. If the psychologist is doing psychotherapy, PC, or CCEs, the practitioner is covered by the same policy for the same amount of coverage. It certainly may be helpful and prudent to secure additional specific malpractice coverage. More coverage never hurts when you are in a tight spot. However, such coverage does not appear to be necessary. If one's primary policy covers all legal costs, we have not been able to get an answer to the question of what the additional coverage would pay for over and above the coverage from the primary malpractice carrier. Complete Equity Markets has worked with AFCC and provides specific riders for mediator and PC practice.

PC IS NOT PSYCHOTHERAPY

PC is not therapy and mental health professionals cannot file health insurance claims for reimbursement of related expenses on behalf of court-ordered participants any more than CCEs can file for custody evaluation work. PC is an ADR activity, a legal-psychological hybrid role that is distinct from psychotherapy in many respects including the following points. In psychotherapy, (1) the client has come in on their own without court referral; (2) there is confidentiality, without reporting back to a court; (3) self-report is the only source of information, with no interviewing of third-party or collateral sources; (4) there is no accountability, for example, if the weight loss client does not do her homework in cognitive therapy, the lack of compliance may be a matter for therapeutic discussion, but it is not reported to a judge who can levy sanctions; and (5) there is an effort in therapy to establish a therapeutic alliance built around uniquely individual goals.

By contrast, in PC, there is a strong, positive therapeutic, and psychoeducational alliance, but the focus of the professional service is on the best interests of the children and the reorganized family rather than on any one of the respective parents. In PC the

communication should be diplomatic and civil, but is much more likely to be confrontational and directly assertive than that occurring in psychotherapy. In short, the goals, terms of engagement, scope of authority, functions, roles, and processes of PC are distinctly different from the roles and functions found in psychotherapy.

DISCUSSION

Results of this national PC survey reveal that court systems across the country are acting on the advice of the 2000 Wingspread Conference of the Family Law Division of the ABA by utilizing the recommendation that PCs be increasingly involved in fundamental court-appointed roles within the court system in the process of management of high-conflict families (Johnson Foundation: Wingspread Conference Center, 2000). The PC role is clearly here to stay.

Results reveal an important and consistent difference between CCEs and PCs in this international sample. In comparison to the CCE role, which tends to be primarily an activity of licensed psychologists, PC practitioners in this sample were clearly multidisciplinary in nature. In Kirkland et al.'s 2005 survey of CCEs and their use of collateral sources, 85% of the CCEs were psychologists. CCEs are heavily dependent upon psychological testing, a professional activity that tends to be the sole purview of psychologists, by virtue of training and practice. PC, on the other hand, is an activity that is not characterized by a protocol that, by definition (e.g., Gould, 1998), must include psychological assessment in order to be considered complete and scientifically grounded. Instead, though assessment of the family system is an essential activity, ADR processes—mediation and arbitration, psychoeducation, and case management are the core activities of the PC.

The current survey includes experienced PCs, many with rich CCE, mediation, legal, and PC backgrounds. The typical PC practitioner in this survey is a person with years of CCE and PC experience who has learned practical aspects of risk management in the trenches. Almost all practice with a PC agreement with multiple definitions, disclaimers, and protective clauses. All function via court appointment or by mutual signed legal consent to execute a defined role with certain parameters. Almost all utilize retainers.

FEW EMPIRICAL STUDIES: THE NEED FOR FURTHER RESEARCH

The earliest PC model, described as a “new kind of professional role,” started in Denver, Colorado in the early 1990s, when two psychologists, Mitchell Baris and Carla Garrity, spearheaded a professional study group to focus on needs and solutions for a group of high-conflict postdivorce couples (Garrity & Baris, 1994). Similarly, in Northern California around the same time professional groups were developing PC models based on their special master statute (Lee, 1995). In 1994, psychologist Terry Johnston conducted one of the only known empirical studies of PC effectiveness (Johnston, 1994). Johnston used a pre-PC/post-PC design and looked at court appearances as the key dependent variable among 166 cases involving 16 PCs over a 2-year period. After the appointment of special masters in these high-conflict cases, there was a near 25-fold decrease in court appearances in these cases. This prototype study is the very type that calls for current replication.

Communication with parents would contribute to our knowledge about the efficacy of PC. The effectiveness of PCs has not yet been researched. There are clinical and anecdotal

data suggesting that conflict is reduced and parents learn to negotiate for themselves after they use a PC. Families, their attorneys, and judges have reported satisfaction with the process (Vick & Backerman, 1996). On the other hand, PCs have seen many families that have not responded positively to interventions. Future studies that include characteristics of families who did and did not benefit from the assistance of a PC hold promise for the development of clear and careful screening questions to help us effectively triage families into the most appropriate intervention.

Research that compares families who have used a PC with those who did not, along with the variables of relitigation rates and children's exposure to conflict, would increase our understanding of the effectiveness of PCs. These studies might also assess satisfaction and perceived problems with the process from the point of view of the families, attorneys, and judges. Additional research-based information on the components of PC, for example, education, intervention, and mediation, as well as variables such as length of time, cost, and methods of communication with parents would contribute to our knowledge about the efficacy of PC.

REFERENCES

- Ackerman, M. J., & Ackerman, M. C. (1997). Custody evaluation practices: A survey of experienced professionals (revisited). *Professional Psychology: Research and Practice, 28*, 137–145.
- American Psychological Association. (1994). Guidelines for child custody evaluations in divorce proceedings. *American Psychologist, 49*, 677–680.
- Association of Family and Conciliation Courts Parent Coordination Task Force. (2003). Parenting coordination: Implementation issues. *Family Court Review, 44*, 533–560.
- Association of Family and Conciliation Courts & Martindale, D. A. (2007). Model standards of practice for child custody evaluation. *Family Court Review, 45*, 70–91.
- Austin, W. G., & Kirkpatrick, H. D. (2004). The investigation component in forensic mental health evaluations: Considerations for parenting time assessments. *Journal of Child Custody, 1*(2), 23–46.
- Bow, J. N., & Quinnell, F. A. (2001). Psychologists' current practices and procedures in child custody evaluations: Five years after American Psychological Association guidelines. *Professional Psychology: Research and Practice, 32*, 261–268.
- Bow, J. N. (2006). Review of empirical research on child custody practice. *Journal of Child Custody, 3*(1), 23–50.
- Coates, C. A., Deutsch, R., Starnes, H., Sullivan, M. J., & Sydlik, B. (2004). Parenting coordination for high-conflict families. *Family Court Review, 42*, 246–262.
- Colo. Rev. Stat. §14-10-128.1, 128.3 (2007).
- Duff v. Lewis, 114 Nev. 564 (1998).
- Garrity, C., & Baris, M. (1994). *Caught in the middle: Protecting children from high-conflict divorce*. New York: Lexington Books.
- Gould, J. W. (1998). *Conducting scientifically crafted child custody evaluations*. Thousand Oaks, CA: Sage.
- Hughes v. Long, 242 F.3d 121 (3d Cir. 2001).
- Johnson Foundation: Wingspread Conference Center. (2000). *High-conflict custody cases: Reforming the system for children*. Conference at Racine, Wisconsin, September 8–10.
- Johnston, J. R., & Campbell, L. E. G. (1988). *Impasses of divorce: The dynamics and resolution of family conflict*. New York: The Free Press.
- Johnston, T. (1994). *Summary of research on the decrease of court involvement after the appointment of a special master*. Paper presented at the Special Masters Training Conference, Palo Alto, CA.
- Keilen, W. G., & Bloom, L. J. (1986). Child custody evaluation practices: A survey of experienced professionals. *Professional Psychology: Research and Practice, 17*, 338–346.
- Kirkland, K., & Kirkland, K. L. (2001). Frequency of child custody evaluation complaints and related disciplinary action: A survey of the Association of State and Provincial Psychology Boards. *Professional Psychology: Research and Practice, 32*, 171–174.

- Kirkland, K., Kirkland, K. L., & Reaves, R. P. (2004). On the professional use of disciplinary data. *Professional Psychology: Research and Practice*, 32, 171–174.
- Kirkland, K., McMillan, E. L., & Kirkland, K. L. (2005). Use of collateral contacts in child custody evaluations. *Journal of Child Custody*, 2(4), 95–109.
- Kirkland, K., Kirkland, K. E., King, G. D., & Renfro, G. R. (2006). Quasi-judicial immunity for forensic mental health professionals in court-appointed roles. *Journal of Child Custody*, 3(1), 1–22.
- Kirkland, K., & Kirkland, K. E. (2006). Risk management and aspirational ethics for parenting coordinators. *Journal of Child Custody*, 3(2), 23–43.
- Kirkpatrick, H. D. (2004). A floor not a ceiling: Beyond guidelines-An argument for minimum standards of practice in conducting child custody and visitation evaluations. *Journal of Child Custody*, 1(1), 61–75.
- Lee, S. M. (1995). The emergence of Special Masters in child custody cases. *Association of Family and Conciliation Courts Newsletter*, 14, 5.
- Lowery, C. R. (1985). Child custody evaluation: Criteria and clinical implications. *Journal of Child Clinical Psychology*, 14, 35–41.
- Parker v. Dodgion, 971 P.2d 496, 497 (Utah 1998).
- Ruisi v. Thieriot, *In re Marriage of*, 53 Cal. App. 4th 1197 (1997).
- Steinburg v. Kirkland, CV 2004-1699-PR, Circuit of Montgomery County (Alabama 2004).
- Sullivan, M. (2004). Ethical, legal, and professional practice issues involved in acting as a psychologist parent coordinator in child custody cases. *Family Court Review*, 42, 576–582.
- Uniform Dissolution of Marriage Act, §§ 14-10-128.1, 128.3 (2007).
- Vick, M., & Backerman, R. (1996). Mediation/arbitration: Surveys of professionals and clients. Presented at the Boulder, Colorado interdisciplinary Committee on Child Custody.
- Yingling, L. C. (1991). Systemic Assessment of the Family Environment (SAFE). Available from Lynelle@SystemsMediation.com or 570 E. Quail Run Road, Rockwall, Texas 75087-7321.
- Yingling, L. C., & Bartlett, B. A. (2007). Parenting coordination legislation comparison chart (2007 update). Retrieved May 14, 2008, from Systems Mediation website, <http://www.systemsmediation.com/attachments/resources/pc%20Legislative%20comparison%20chart%202007%20UPDATE.pdf>
- Yingling, L. C., Miller, W. E., McDonald, A. L., & Galewaler, S. T. (1998). *GARF assessment sourcebook: Using the DSM IV Global Assessment of Relational Functioning*. New York: Brunner-Routledge.

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