



Parenting Coordination
Australia

PARENTING COORDINATION AUSTRALIA

Submission to the ALRC Enquiry into the Family Law System

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INTRODUCTION & PARENTING COORDINATION OVERVIEW

Basis of Submission

This submission addresses the areas of enquiry of the Commission only insofar as dispute resolution process of Parenting Coordination might provide information or solutions to the areas of enquiry in relation to the resolution of disputes regarding children.

Our current Family Law system has a significant focus on “front end” dispute resolution leading into litigation and at the “front end” of the litigation process itself – FDR being an example of the former and Court ordered mediation or conciliation conferences ordered at the first mention date after filing an Application being examples of the latter.

There is no doubt those processes can be refined, added to with the newest systems, such as Interdisciplinary Collaborative Practice, and better supported through long overdue legislative change.

The big gap, in the submission of the authors of this Submission, is at “the back end” – post orders, whether interim or final and particularly Orders in relation to arrangements for children which parents need to live with, implement, negotiate in their everyday application and explain to their children over period of many years, over a decade in the case of very young children.

The statistics tell us that 95% of cases commenced in the Family Court system settle before a final decision is handed down by a Judge. Experience in this jurisdiction indicates a large percentage of that 5% needing a determination will be high conflict families.

Those high conflict parents have often been in the Court system for 2 years, supported by the lawyers, receiving information and recommendations from experts such as family report writers and/or family consultants. They’ve had the accountability of multiple appearances before a Judge with the power to make orders in the event agreements can’t be reached. They will often have attended POP courses, usually group sessions, perhaps parenting courses or anger managements courses (also often group courses with no tailoring to the individual) and at least 1, but sometimes multiple sessions of FDR, legal aid conferences or similar mediation based services.

Once final orders are made, that whole support network, because that is what all of those services have become, disappears overnight. The day after a final determination is made parents are almost always on their own to interpret, carry out and explain to their children the arrangements imposed on the family (of necessity given their level of conflict) with no support mechanisms whatsoever. Often at least one of the parents will be left feeling angry, confused, resentful and feeling like they have “lost”.

It’s at that point of maximum emotional stress that these parents then have to communicate sufficiently to implement the orders.

The difficulty, often the impossibility of that task for these people sees them return to Court multiple times for contravention and enforcement applications, sometimes a return to FDR to mediate a particular issue. Whilst the issue might be resolved by FDR or further orders the conflict continues and inevitably the next issues arises and the cycle starts all over again.

Parenting Coordination is a way to extend the dispute resolution, and conflict education, services to the back end of the Court process. It can be adapted to provide the same benefits to parents who have had interim orders made or who have been able to negotiate a parenting plan.

By having one, neutral, professional assigned to or engaged by both parents to be available to them to provide education, conflict management and mediation and to make decisions about disputes that arise in the context of the implementation of orders or parenting plans, the parents are provided with that one on one, immediate and impartial assistance needed in the “settling in period” immediately after orders are made. They are also provided with education in relation to the effects of their conflict on their children, managing their conflict themselves more effectively and communicating in a way so as to minimise conflict.

It is recognised that, unless and until the various Legal Aid bodies provide funding for parenting coordinators, or unless funding for that service is provided through the Family Law budget and provided for all families where final parenting orders are made (not by consent), the service will be available only to those with the means to pay for it.

It is submitted that is where many dispute resolution services start. A recommendation for Legal Aid to investigate funding options is sought from this Commission. Lower costs models could also be provided by the current providers of community based FDR services.

It is submitted that Parenting Coordination offers a resolution service not currently offered by any other model in Australia. By focusing on the implementation of orders and parenting plans it seeks to benefit children the subject of those orders and parenting plans by assisting

their parents learn about and deescalate their conflict once a decision has been made about the issues.

It can assist in actually delivering to those children the certainty orders are intended to bring but often do not because the conflict continues long after the decision has been made.

In short, litigation resulting on Court orders and often mediation or other dispute resolution resulting in consent arrangements, resolves the issues but rarely, if ever, the conflict.

Parenting Coordination, with the issues resolved by the Court or consent arrangements, assists the parties to then resolve their conflict and implement the orders or consent arrangements in a healthy way that best serves the interests of their children and their ongoing relationship as parents.

What is Parenting Coordination

BACKGROUND

Parenting Coordination (PC) is a burgeoning new professional role in the family courts in North America (Beck, et.al., 2008). While PC continues the proliferation of alternatives to the traditional legal-adversarial process of families in transition, it is unlike many dispute resolution processes in that it provides services to the most conflicted co-parents and the most vulnerable children.

Judges, attorneys and mental health professionals have long agreed that the profound psychological and relational issues that characterise these families make them a poor fit for the more adversarial legal processes they typically find themselves repeatedly utilizing (Sullivan, 2008).

In the early 1990s, PC emerged from grass-roots collaboration of these professionals, initially in case-by-case ‘experimental’ interventions. These humble PC beginnings have led to a more standardised role, with greater uniformity in professional practice across jurisdictions.

There are 10 states in the U.S as of May 2011 that have passed legislation regarding parenting coordinators: Colorado (since 2005), Idaho (2002), Louisiana (2007), New Hampshire (2009), North Carolina (2005), Oklahoma (2001), Oregon (2002), Texas (2005), Florida (2009) and Massachusetts (2014) ([Parenting Coordination legislation USA](#)).

Like their North America counterparts, Australian courts are burdened under the weight of the on-going management of the most conflicted separated parents. They struggle to provide long-term interventions that can educate parents, provide solutions and reduce societal costs – all with the aim of improving outcomes for children

THE PARENTING COORDINATION ROLE

Parenting Coordination is a child centred process for conflicted, separated and separating parents. It is a dispute resolution technique to help parents organise their ongoing parenting arrangements before, during and after they have reached their final Court Orders.

PC is most useful for parents who already have a parenting plan or Order (on an interim or a final basis). Parenting coordination purpose is not to empower to the parenting coordinator to make decisions about arrangements for children – that is the task of the Judge in the Family Law system of the parties by agreement as currently.

The purpose of PC is to provide assistance in the implementation of those orders or agreements. That assistance is rendered by way of parental education, mediation of

disputes arising in the implementation period and arbitration of those implementation disputes if mediation of them does not result in an agreement. The arbitration function is limited to disputes that arise within the implementation of the orders – the parenting coordinator does not have the power to change the arrangements in place pursuant to the orders.

Through the PC process, a family's post-separation progress is monitored and assisted 3 ways:

- Education;
- Mediation and case management; and
- Arbitration

During on-going sessions with their coordinator, parents are educated about child-development, the impact of parental conflict on children, and are given strategies to improve co-parenting communication and conflict resolution.

When disputes arise post orders about implementation, the parties refer immediately to the parenting coordinator who is then available to first assist the parties reach resolution through mediation (formal or informal) and then to arbitrate a decision on the implementation point if no agreement has been able to be reached. The implementation issue is dealt with within hours or a few days depending on the urgency of the issue.

Parents who agree to try parenting coordination rather than going back to court will meet with a parenting coordinator and sign a Parenting Coordination Agreement that outlines the role, objectives and scope of the coordinator's services, as well as the rights and obligations of each parent. The parenting coordinator will usually be retained for a fixed period up to two years.

When parenting disputes arise, either parent may contact the parenting coordinator. The coordinator will listen to each parent's side of the story and attempt to reach a resolution of the dispute through information gathering and consensus building. If a settlement cannot be reached by consensus, the coordinator will make a determination to resolve the dispute which both parents will be bound by (Montiel, 2015). When the next problem comes up, the parents will go back to their parenting coordinator and the process starts again. The educative role of the PC is critical. They will provide education about the social, psychological, and emotional impacts of parental conflict on the developing child. They will coach the parents in effective communication with each other, and they will identify the 'hot-button' issues which trigger disputes. Along the way, they will mediate, and sometimes arbitrate disputes. The parenting coordinator will continue working with the parents until the term of his or her retainer expires or when either the parent coordinator or both parents agree to end the parenting coordination process.

Parenting coordination does not replace mediation or any other effective means of negotiation, consensus-building and cooperative decision-making. Instead, parenting coordination offers parents involved in high-conflict disputes the consistent, ongoing direction of a single, qualified professional using a less adversarial, less expensive dispute resolution process.

Parenting coordination does not usurp the role of the courts, no alternative dispute resolution process can. While the parents are involved in the parenting coordination process, they are expected not to apply to court for an order different than the decision of the parenting coordinator. A parent who does go to court over an issue already decided by the parenting coordinator will have to contribute to the other parent's costs of responding to the application, and must accept the risk that the court will agree with the coordinator's decision.

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Who are Parenting Coordinators?

The USA model of Parenting Coordination sees already well qualified and experienced Family law practitioners undergoing further training in Parenting Coordination.

In most States that training is open to, and many States have legislation requiring PC's to have existing qualifications as professionals who are the equivalent in our Australian Family law system of Family Report writers, Psychologists and psychiatrists with experience in

families, Independent Children’s lawyers, family law trained mediators and Family Lawyers of significant experience.

[The Association of Family and Conciliation Courts](#) (AFCC) issued [Guidelines](#) in 2005, including guidelines for qualifications and training of Parenting Coordinators.

The qualification guidelines provide:-

“ 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.”

AFCC training [Guidelines](#) outline 4 modules to be included in any PC training course:-

“A Parenting Coordinator (“PC”) should have training in each of the following subject areas as reflected in the modules below. It is anticipated that mental health and legal professionals will have acquired some of the knowledge and experience in the competency areas listed, particularly in Section II, and in mediation training.....

1. The Parenting Coordination Process
2. Family Dynamics in Separation and Divorce
3. Parenting Coordination Techniques and Issues
4. Court Specific Parenting Coordination Procedures

Domestic Violence Training: The need for additional and/or separate training on domestic violence should continue be considered in setting up a PC training program.

Parenting Coordination in Australia

Parenting Coordination in Australia, as a formalised process, is a new one. It has been practiced in an informal way, however, in many different settings and often adopting some, but not all of the concepts of PC.

Some Judges in the Family Court system, for example, will order high conflict parties to attend “communication counselling”, some mediators, often those with social science qualifications, will extend the private mediation service they offer into a facilitative and educative role for parents.

In 2016 and 2017, the authors of this submission, Dr Anne Purcell and Ms Cassandra Pullos attended training in the United States in Parenting Coordination to explore the potential for it to provide assistance to families in the Australian family law system.

[Dr Purcell](#) has a background in mediation, education and training as well as psychology. She has a Masters from Harvard University and obtained her doctorate at the University of Queensland. She is an established and experienced mediator in family law as well as other areas of conflict and is a sought after training and public speaker in all areas of conflict resolution. She is a collaborative practitioner and trains in an interdisciplinary collaborative training team with Ms Pullos and Mr John Thynne (chartered accountant and financial neutral). Dr Purcell has recently delivered training to the State Magistrates in domestic violence and the dynamics of the Court system in that context.

[Ms Pullos](#) is an Accredited Family Law Specialist first admitted as a lawyer in 1985 and has had her accreditation in Family Law since 1995. She was instrumental in bringing Interdisciplinary Collaborative practice to, firstly, Queensland, then Australia, becoming the founding president of Queensland Collaborative law (as it was then) in 2016 and currently serving as the vice-chair of the Australian Association of Collaborative Practitioners. She is a Nationally Accredited Mediator and trains in Collaborative practice with Dr Purcell and Mr Thynne as referenced above.

In late 2017 Dr Purcell and Ms Pullos established Parenting Coordination Australia with a view to training parenting coordinators to provide the public with a choice of coordinators wide enough to meet their various needs, to educate the public about parenting coordination, to

educate the judiciary and government about the process and its benefits to families and particularly those high conflict families that we see return to Court again and again even after final orders are made. It was also set up to deliver PC services to the public which Dr Purcell has been successfully doing since about 2016.

ALRC SUBMISSIONS PAPER - QUESTIONS

Submissions made by AACP to the Questions put by the Commission as relevant to Interdisciplinary Collaborative Practice.

Objectives and principles

The role and objectives of the modern family law system

Question 1 What should be the role and objectives of the modern family law system?

A modern Family Law system should have as its objective the resolution of conflict as well as the resolution of issues in dispute between parties.

It will recognise that it is the role of the Court to resolve the issues when parties have not been able to do that themselves with the assistance of non adversarial processes such as mediation and Interdisciplinary Collaborative Practice.

It will also recognise that resolving the issues, whether by consent or by order, does not resolve the conflict and it is the conflict that drives further dispute over further issues.

It is recognised that some forms of mediation, but not the norm in Australia, and Interdisciplinary Collaborative Practice, have as one of their goals “deep resolution”, or the resolution of the conflict as well as the issues. These are by far in the minority of the services offered.

Parenting Coordination adopts as its role, once issues have been determined, resolution of the conflict through education, ongoing mediation of implementation issues as they arise and speedy and timely arbitration of those implementation issues when required.

By referring at least all parents who have had final parenting orders made after a trial to a parenting coordinator – and appointing an individual coordinator to work with that family over the ensuing 12 months to 2 years, the Family Court system can be proactive in achieving the objective of the resolution of conflict, not just issues.

The same outcome can be achieved by the Family Court referring in those parents whose high conflict is evident at the stage of interim orders.

Until the Legal Aid system is able to fund such appointments for the lower socio economic group the referrals could be made by Judges of families with the capacity to pay – just as families now are referred out to compulsory, private, mediation in financial matters.

An alternative to Legal Aid funding for those families not able to afford private PC is the training of Family Consultants to carry out that role and a further alternative might be for the community based FDR providers (CenterCare, Relationships Australia and the FRC's) to train their existing FDRP's in the practice and contract to provide that service alongside FDR.

Principles guiding redevelopment of the family law system

Question 2 What principles should guide any redevelopment of the family law system?

As above – a recognition that resolution of conflict extends beyond resolution of the presenting issues and beyond the scope of the Family Law Courts, whose principle role and objective should be the resolution of the issues, in an informed and supported way as is currently the case through the use of Family reports and the like.

However, if the Judiciary particularly understand the need to resolve the conflict in order for the issues resolution on which they preside to be effective they can then refer parents into the conflict resolution phase provided by PC.

Access and engagement

Improving access to information about family law and family law related services

Question 3 In what ways could access to information about family law and family law related services, including family violence services, be improved?

In terms of Parenting Coordination, as well as inclusion of information about the process on the Court website and associated printed material, it would be imperative for Judges and Registrar's to be trained in the PC process, outcomes and benefits.

Assistance navigating the family law system

Improving accessibility of the family law system for rural, regional and remote individuals

Question 9 How can the accessibility of the family law system be improved for people living in rural, regional and remote areas of Australia?

Parenting coordination can be undertaken by telephone, Skype and other electronic means. It is thereby able to be accessed by people living in rural, regional and remote areas of Australia.

Further, because it is aligned with qualifications and training of many professionals already in

the family law system in rural and remote areas, those family law professionals can easily be trained in parenting coordination to add that service offering to the related services already offered by practitioners in rural, regional and remote areas of Australia. It doesn't necessitate attracting new professionals to those areas.

Changes to the family law system to reduce client costs in resolving family dispute

Question 10 What changes could be made to the family law system, including to the provision of legal services and private reports, to reduce the cost to clients of resolving family disputes?

By incorporating into the family law system parenting coordination, the potential to reduce the cost to clients of resolving family disputes is increased significantly.

In the current system, when parties have issues in relation to the implementation of orders or parenting plans, often their first recourse is to their respective legal representatives, or, if they are self represented, back to the judge who made the order in the first place, or, on occasion back, to FDR for a one-off session to assist in the resolution of the presenting issue, but not the underlying conflict.

By investing in parenting coordination, parties, and the community, make a significant investment in the education of the parties in the skills necessary to de-escalate and resolve conflict over the inevitable issues that do arise in the implementation of orders or agreements and thereby preventing the vast majority of those post orders disputes making their way back into the court system with resultant costs for the parties, the family law system, the children and the community.

Resolution and adjudication processes

Changes to court processes to facilitate timely and cost-effective dispute resolution

Question 20 What changes to court processes could be made to facilitate the timely and cost-effective resolution of family law disputes?

By building into the court process the appointment of parenting coordinators to high conflict families, the facilitation of timely and cost-effective resolution of family law disputes can be achieved in at least the following circumstances:-

1. In the experience of the authors, interim orders that are made after the release of a family report, or after a report from a Family Consultant, provide the parties, relatively early in the adversarial process, with a framework for the resolution of the issues in relation to children.

However, the parties are generally, at this stage, deeply entrenched in the conflict and attached to their respective positions outlined in their court material.

By appointing a parent and coordinator after the making of interim orders, particularly orders made after the release of a Family Report or Family Consultants report, the education process for the parties, and particularly the process of helping them focus on the best interests of the children can begin at an early stage.

The best outcome of this type of support after interim orders are made is resolution being able to be achieved without the need to move to a trial and resulting final orders.

2. By appointing a parenting coordinator after final orders consequent on a trial, the court is providing to the parties the, presently absent, support such high conflict parents inevitably need in perhaps the most important stage of their dispute, the implementation of the orders made at the end of the adversarial process.

By appointing one neutral professional, the parenting coordinator, to work with both parents in both an educative, mediation and, if necessary arbitration, role, the disputes that will a rise in the implementation phase can be dealt with by the parenting coordinator in a timely and cost-effective way -at a fraction of the time and cost involved in having those with disputes referred back to court for determination or the party's legal representatives for advice and perhaps negotiated outcome.

Diverting litigation to other dispute resolution processes or services

Question 21 Should courts provide greater opportunities for parties involved in litigation to be diverted to other dispute resolution processes or services to facilitate earlier resolution of disputes?

It is the view of the authors that the courts currently provide significant opportunities for parties involved in litigation to be diverted to other dispute resolution processes, particularly at the "front end" of the litigation process.

Indeed, it is the view of the author, Ms Pullos, that the courts perhaps provide too many opportunities in that respect for parties once they are in the litigation pathway. In the author's view, if parties were aware that once they are in the litigation pathway there is very little opportunity for negotiated outcome, perhaps the dispute resolution processes so readily available prior to instituting proceedings might be adopted with greater frequency and more authentic engagement.

The authors do submit that the one area in which the courts can provide an opportunity for party is to be diverted is by way of parenting coordination, either after interim orders have been made and/or after final orders have been made.

That is a diversionary process that isn't currently available and has significant potential to assist parents reach the deep resolution needed to prevent further

court applications related to the implementation of orders (including contravention and enforcement applications).

Legally-assisted family dispute resolution in family violence or abuse matters

Question 24 Should legally-assisted family dispute resolution processes play a greater role in the resolution of disputes involving family violence or abuse?

It is the firm view of the authors that legally assisted family dispute resolution processes should play a greater role in the resolution of disputes involving family violence or abuse. There are safeguards available to ensure the issues of physical safety and power imbalance addressed by the dispute resolution practitioner that should form a significant part of any dispute resolution practitioner's training in that area and ensure that dispute resolution other than adversarial resolution is available to those parties who have been the victims of family violence or abuse and in relation to whom very often the adversarial system either intentions or exacerbates the harm done.

Parenting coordinators are trained in the various aspects of family violence or abuse, it is a feature of very many high conflict families that come before the Family Court where a decision of a judge is required to resolve the issues in relation to the children and forms a foundational skill of the parenting coordinator as a result.

Unlike some other processes of non-adversarial dispute resolution, family violence or abuse does not result in those parents being screened out of suitability for parenting coordination.

Development or expansion of non-adjudicative dispute resolution processes to resolve disputes in a timely and cost-effective way

Question 26 In what ways could non-adjudicative dispute resolution processes, such as family dispute resolution and conciliation, be developed or expanded to better support families to resolve disputes in a timely and cost-effective way?

By bringing parenting coordination into the family law system and providing training and support for parenting coordinators, alongside education for judges, registrars and all family law practitioners, legal and nonlegal, involved in family law system, the current suite of non-adjudication dispute resolution processes will be expanded in a very important way at the "back-end" of the adversarial system where such processes are simply absent from the current system.

Scope to increase the use of arbitration

Question 27 Is there scope to increase the use of arbitration in family disputes? How could this be done?

In order to fully implement a system of parenting coordination in the Australian family law system, it would be necessary to increase the use of arbitration by extending its scope either to parenting matters generally or, preferably in the view of the authors, to the role of parenting coordinators and limited to decision-making power over disputes relating only to the implementation of court orders or parenting plans.

The Family Law Act would need to be amended to provide parenting coordinators with the power to hand down arbitration decisions in relation to disputes in which they are engaged as a parenting coordinator and which relate to the implementation of existing orders or parenting plans.

Problem solving decision-making processes to help manage risk to children in families with complex needs

Question 29 Is there scope for problem solving decision-making processes to be developed within the family law system to help manage risk to children in families with complex needs? How could this be done?

Parenting coordination is a problem-solving decision-making process. In addition it has a significant educative component for parents, for the benefit of the children.

In being involved with parents post-orders, parenting coordinators engage the parents in problem solving resolution to implementation issues that arise post-orders. They engage parents in an educative process, teaching them future focused problem-solving skills.

Whilst developing those skills, the parenting coordinator leads the parties through future focused problem-solving mediation exercises as issues arise and if, after having engaged in that future focused problem-solving style of mediation, the parties still can't come to an agreement, the parenting coordinator will then make a decision as an arbitrator (about implementation issues only, not decisions that would change the existing order). That decision is made only after the parties have engaged in the problem-solving exercise and the decision made by the parenting coordinator is then transparent and able to be understood by the parents, they having been involved in the problem-solving leading up to the making the decision by the parenting coordinator.

Family inclusive decision-making processes to be incorporated into the family law system

Question 30 Should family inclusive decision-making processes be incorporated into the family law system? How could this be done?

Parenting coordination can be adapted to "family inclusive decision-making processes" and indeed the inclusion of other family members into the decision-making process in relation to

issues arising out of implementations of orders may well be an important option available to parenting coordinators. It is not seen that any specific legislative change would be needed to facilitate this potential, it would simply need to be included in the parenting coordination training modules, either in the basic, foundational, training or an extended training module provided to further develop and enhance the skills available to parenting coordinators.

Children's experiences and perspectives

Changes to ensure children are informed about the outcome of court processes that affect them

Question 35 What changes are needed to ensure children are informed about the outcome of court processes that affect them?

There are limited processes currently available to ensure children are informed, in a consistent and appropriate way, about the outcome of court processes that affect them.

At best, the ICL might be tasked with explaining to older children the outcome of court processes. In the experience of the authors, the timeliness of this explanation is often a problem. It is practically not able to be done at the conclusion of a court hearing, the parents are generally not involved in that explanation and the process from that perspective lacks transparency in very important ways that later impact on the parents acceptance of the outcome and which often later drives implementation disputes.

A parenting coordinator can be tasked, as their first duty, with assisting the parents to agree about the message to be delivered to their children about the outcome of court processes in a way that is child focused, timely, transparent and agreed.

By assisting the parents to deliver this message to the children the parenting coordinator assists the parties in taking the first step in the empowering themselves by being able to deliver to their children joint messages. They are assisted in being able to assure their children that, after often protracted adversarial processes in which they may have been interviewed or involved in various processes which may well leave them with the impression that their parents are not in control of the arrangements that will be made for them, their parents do in fact have the authority over the children's circumstances that is so vital to children's happiness and well-being.

Supporting children to participate in family dispute resolution processes

Question 37 How can children be supported to participate in family dispute resolution processes?

It is not envisaged that younger children would be involved in parenting coordination, its focus is on the education of the parents and the resolution of implementation disputes, however in certain circumstances the involvement of the children in the parenting coordination process might be of some assistance to older children involved particularly

where they have learned dysfunctional and high conflict behaviour during the course of the family law dispute.

The parenting coordinator will make referrals out for children if further counselling or support appears necessary through the paramedic coordination process.

Possible risks to children from involving them in decision-making or dispute resolution processes

Some risks to children from involving them in the decision-making or dispute resolution processes, and risks to them in being involved in the report writing process including child inclusive mediation processes include, but are not limited to:-

1. The alignment of a child with one of the parents and against the other;
2. Confusion about the experts they have been required to engage with, their role, purpose and the outcome;
3. A feeling that they have not been heard in the processes in which they do have a voice. Often the child receives no feedback out of, for example, the family report process or a child inclusive mediation process and often because the parents are so mindful of the constant warnings they receive "not to involve the children in the dispute" that the safest course of action is not to communicate with them at all;
4. The undermining of the child's confidence in the power and/or authority of one or both of their parents through the adversarial court process and various reporting processes.

By being involved with the parents from an early stage in an educative role, the parenting coordinator can assist the parents communicate with the children in appropriate, consistent, child focused and age-appropriate way about court orders that might have been made, about the family report process, both before and after and to generally be able to communicate in a healthy way with their children about the adversarial process and its outcome for the children.

Professional skills and wellbeing

Core competencies expected of professionals who work in the family law system

Question 41 What core competencies should be expected of professionals who work in the family law system? What measures are needed to ensure that family law system professionals have and maintain these competencies?

Reference is made to the [Guidelines](#) issued by AFCC as to the qualifications and training of parenting coordinators (as referred to at page 10 of this submission) and those guidelines are recommended to the commission for adoption in Australia.

Core competencies expected of judicial officers who exercise family law jurisdiction

Question 42 **What core competencies should be expected of judicial officers who exercise family law jurisdiction? What measures are needed to ensure that judicial officers have and maintain these competencies?**

As referred to earlier in this submission, a core competency in parenting coordination for judicial officers, at least sufficient to instil in those judicial officers a deep understanding of the role of the parenting coordinator, the benefit to the parties and the potential for parenting coordination to support the judicial determination of issues with the resolution of the conflict that drives those issues, is an important aspect of the implementation of a system of parenting coordination in Australia.

That training need not be time-consuming or either of us and could be delivered within the usual training programs provided for judicial officers in the family law jurisdiction.