

FAMILY MATTERS "Q & A" NEWSLETTER

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Greetings to Mental Health Professionals:

We appreciate your involvement in our annual Legal Workshops for Mental Health Professionals conducted at the Port Washington Yacht Club. It has been our desire to provide an exchange of legal and mental health issues in the area of family and matrimonial law to help create a better understanding of the Court process, and to help *MHP's* assist your patients who are experiencing marital problems, or who are contemplating or going through litigation. At our workshops, we have been asking attendees what additional information you would like to learn about in the areas of family law that would be helpful to you and your patients. In response to your requests, we have established the following Family Matters "Q & A" Newsletter. We hope this information will be useful for your needs.

We are certainly open to receiving questions from you that we can answer in future newsletters.

QUESTION: WHAT IS PARENTING COORDINATION AND HOW DOES IT AID CUSTODY AND VISITATION?

ANSWER: Parenting coordination ("PC") is an alternative dispute resolution process which is used in some matrimonial cases to assist "high conflict" parents in carrying out their family parenting plan. A PC is initiated by court order, and the parent coordinator must be approved by the court and the parties involved. Ultimately, the PC's goal is to help resolve existing conflicts regarding the children, to protect and preserve healthy and meaningful parent-child relationships, and to help get this in action as soon as possible. Parenting coordination is not the same as a forensic evaluation, nor is it connected with therapeutic supervised visitation or therapy in general.

In cases of divorce and custody, A PC can be instrumental in helping prevent parties from "destructive behavior toward each other and themselves." *LS v. LF*, 10 Misc.3d 714, 803 N.Y.S.2d 881 (Sup. Ct. Kings County 2005). In

LS v. LF, the Court stated that parent coordinators are appointed “to manage chronic, recurring disputes, such as visitation conflicts, and to help parents adhere to court orders’ to protect the children of such parents.” The Court also stated:

“The parent coordinator will be the neutral individual who can verify that the child understands the importance of visitation....the limits and plans for the visitations....and the efficacy of plans or alternative plans.... Visitation should be unhampered between parent and child, not based upon a qui pro quo and changes to a schedule should not be encouraged. Parents have right to know what time they are expected to assume their parenting roles and what time is available for them to enjoy time alone. Similarly, the child should know when she will be with each parent and what she will be doing during visitation. This will provide...a sense of regularity in the process.”

From a logistics standpoint, the parenting coordinator acts as a buffer between the parents to pre-empt any disputes in visitation, including pick ups and drop offs, cancellations in scheduled visitations and holiday visits, as well as other child-rearing issues, including but not limited to health care and educational decisions, religious observations, travel and vacation arrangements, clothing and personal possessions of the child, communication between parents and by specific parents with the child, and contact with extended families.

A number of requirements for serving as a PC are set forth by the courts, including:

- Having training and experience in family mediation and professional interaction with high conflict families
 - Being a licensed mental health professional or licensed attorney with experience in an area relating to families, or a certified family mediator with an M.A. in a mental health field.
 - Remaining impartial and committed to helping all parties, not just a particular individual

The PC's primary functions include:

- Assessing the situation by reviewing all records, interviews with parties, court orders, educational records, etc.,
- Educating the parties about aspects of parenting, child development, communication and conflict resolution skills,
- Acting as coordinator between all professionals and other systems involved (e.g., mental health, social services, education, legal, etc.),
- Providing a conflict resolution function,
- Making certain decisions when parents *cannot* decide or agree on their own, as ordered by the court.

The Parenting Coordination process can be a win-win situation for the children, their parents and the courts. It helps protect the child's best interests, enhances their confidence and self-esteem by creating a more positive family atmosphere, and increases the likelihood of keeping two parents active in the child's life. It also provides the Court a complete view of the family situation by monitoring parental compliance with the court orders. In the long-

term, this provides faster and more reliable resolution of high-conflict matters, and reduces the number of litigated cases and their associated costs.

The above Family Matters “Q & A” Newsletter was prepared by Eyal Talassazan, an attorney at Wisselman, Harounian & Associates, P.C. You can reach Mr. Talassazan at Eyal@lawjaw.com if you have any questions or would like additional information.

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