

CHILD VOICE IN PARENTING COORDINATION: TOWARD A MODEL OF INCLUSION

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Is it possible to bring the voice of children to the parenting coordination process without their involvement? And, if children *are* involved, what are the considerations for safe and appropriate inclusion? Ninety-two parenting coordinators recently surveyed responded about their current practice and thoughts on child inclusion. Their comments, along with current trends in child-inclusive practice, and with the Association of Family and Conciliation Courts Guidelines for Parenting Coordination (2019), assisted in providing a guiding framework and a forum for discussion for the community of parenting coordinators.

Key Points for the Family Court Community:

- The AFCC Guidelines for Parenting Coordination provide some guidance regarding safe and meaningful child inclusion in parenting coordination.
- PCs should consider their professional background, training, skills, and experience before attempting to include children in the parenting coordination process; Child Consultants may be used in the role to bring the child's voice to parenting coordination if the PC's training and experience are not adequate to ensure the safety of the child in the process.
- Obtaining the child's voice is the most reliable way to bring the child's needs and preferences to the parenting coordination; otherwise coparents are mostly responsible for providing input, which puts the coparents in the position of accepting, dismissing or distorting their child's views.
- Parental conflict can be mediated by their child's voice.
- PCs must be able to modify what to bring back to parents so at any level of readiness parents may be more open to incorporating their children's thoughts and views into decision-making.

Keywords: *Child-Centered; Child-Focused; Child Inclusion; Child's Voice; Coparenting; Guidelines; High Conflict; Parenting Coordination.*

Should children and youth be *seen* and *heard* in the parenting coordination process? Parenting coordination is a dispute resolution approach that assists parents to implement their parenting plan, resolve ongoing conflict related to their children in a timely manner, and “protect and sustain safe, healthy and meaningful parent-child relationships” (Association of Family and Conciliation Courts Guidelines for Parenting Coordination, 2005 p. 2 and , 2019 p. 2, herein referred to as “Guidelines 2005” and “Guidelines 2019”). It offers a structured dispute resolution process for an extended duration geared to parents in ongoing high conflict after separation and divorce (Boyan & Termini, 2013, Coates, Deutsch, Starnes, Sullivan, & Sydlik, 2004). The Association of Family and Conciliation Courts (AFCC) Task Force that developed the original Guidelines for Parenting Coordination in, 2005 described the process as “child-focused” (Guidelines 2005, p. 2), and in 2019 the Task Force charged with revising those guidelines (Guidelines 2019, p. 2) reiterated that description; however, in neither of those Guidelines is a definition of “child-focused.”

Is it possible for parenting coordination to assist parents with decision-making and communication regarding their children without the actual voice of their children in the process? The voice of the child has been a focus of research and practice, particularly in Australia (McIntosh, Long, & Maloney, 2004;

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McIntosh, Wells, Smyth, & Long, 2008). There are currently three descriptions referring to the child's voice in dispute resolution processes, most specifically mediation, which may be applied to parenting coordination as follows:

1. Child-focused – does not always consider including children by meeting them, but the activities with parents are constantly bringing coparents back to the implications of their decisions and actions upon their children.

2. Child-inclusive – generally considers child input through a Child Consultant who has a temporary role related to meeting with a child (often through child interviews), and then bringing feedback to the coparents during a parenting coordination session with the parenting coordinator (“PC”) present. The appointment of the Child Consultant can be court ordered, agreed to via the parenting coordination contract, or otherwise agreed to by the parents. The authors note that it is most common that the appointment is included in the parenting coordination contract in North America, and is a role of one of the team members when it is applied in family dispute resolution in Australia.

3. Child-centered – involves either a PC or Child Consultant meeting directly with the child using non-directive expressive activities that allow for child-led discussions of their interests and concerns. The role is non-interpretative, and the amount of feedback brought back to coparents is determined by the coparents' readiness to hear and the child's readiness to share. Children are at the center of the process regardless of parent agendas. (Yasenik & Graham, 2017).

A child-focused practice generally holds the parents as representing the child's voice and the child's best interests (McIntosh, Long, & Moloney, 2004). But can parents, especially those mired in self-interest and personal agendas, adequately see their children separately from themselves and their own interests? A child-inclusive or child-centered practice generally holds the *child* as contributing to and representing their own thoughts and concerns. Socio-cultural theory has shaped the idea of children as citizens with the inherent right to participate in social and political life (Graham & Fitzgerald, 2010; James & Prout, 1997; Mayall, 1994; Smart, Neale, & Wade, 2001; Smith, Taylor, & Gollop, 2000; Taylor, Tapp, & Henaghan, 2007). Historically, children were not considered active participants; rather, their role was defined through theories of socialization in families and schools and by biological and psychological theories (Taylor et al., 2007). Since the United Nations General Assembly adopted the Rights of the Child on November 20, 1989 (UNCRC, 1989), it has been more widely accepted that children are active participants in matters that affect them.

Still, little change in the actual role of the child can be seen through the difference between the Guidelines 2005 and 2019, as their actual participation is still not clearly defined as intrinsic to the parenting coordination process. In 2005, children were referred to as “collateral” sources to the practice (Guidelines 2005, VI.A, p. 8 and X.C, p. 12). Guidelines 2019 continues to refer to children as “collateral” (V.C, p. 7 and X.C, p. 12). However, theoretically, it is not possible to truly address the voice of the child without hearing directly from the child (Lundy, 2007). The voice of the child and voice of adult representing the child are not the same. Is it possible to be child-inclusive or child-centered without compromising the role of the PC?

To contribute to this article, 372 PC members of the AFCC were asked for their input related to child inclusion in the practice of parenting coordination (ICCFL Child Inclusion in Parenting Coordination, 2019). See Table 1. Of those surveyed, there were 92 responses from North America identifying multiple views on child inclusion from PCs practicing an average of over 11 years. This article will explore the meaning of “child-focused” and “child-centered,” their significance and application in the parenting coordination process using the Guidelines 2019, and the varied thoughts and ideas highlighted in the “ICCFL Survey,” offering a forum from which to guide future practice.

I. CURRENT PRACTICE FOR INCLUDING CHILDREN IN PARENTING COORDINATION

The involvement of children in the process of parenting coordination was a subject of great discussion during the development of the Guidelines 2019, though there is no direction provided

establishing their involvement in all cases. Although it may be adequate for the PC to obtain information from “any individuals who provide services to the children to assess the children’s needs and wishes” (Guidelines 2019, p.12), Guidelines 2019, X.E, also details that PCs “should have authority to meet with children” (Guidelines 2019, p. 12); and that, “if the PC has the appropriate training and skills, they may choose to interview the children in a developmentally appropriate manner” (Guidelines 2019, p. 12). Additionally, endorsement of the inclusion of children can be inferred from Guidelines 2019, IX.C, which includes that PCs may charge for interviewing children.

Are PCs including children in parenting coordination? There is a high degree of variation in the parenting coordination field related to the involvement of children. Some practitioners find it beneficial to meet with children to better understand their needs, while others prefer not to see children (Demby, 2016). This may be related to the diversity in the professional background of PCs, which tends to fall into mental health, legal, or conflict resolution categories (Guidelines 2019, p. 3). Legally trained practitioners may not be as confident in areas of child development, in interviewing or meeting with children, or handling child disclosures, as those with a mental health background (Fieldstone, Carter, King, & McHale, 2011). Additionally, although studies show that *children* want to be able to express their opinions (Birnbaum, Bala, & Cyr, 2011; Birnbaum & Saini, 2012; Carson, Dunstan, Dunstan, & Roopani, 2018), it does not mean that the practitioners leading the process either think it is appropriate or are equipped to include them. However, when the PC is skilled to manage the process of including children, both children and parents can benefit (Quigley and Cyr, 2018; Kelly, 2014).

There is little research on the inclusion of children in parenting coordination. Quigley and Cyr (2018) evaluated children’s perspectives on parenting coordination via an exploratory study. However, the sample size (6 children, 7–17 years) was very small and no statistical significance was reported. Children in the study “advised” the PCs to listen to them, take them seriously, and recognize their maturity.

In the ICCFL Survey, PCs shared their current practice related to child inclusion. Ninety-two percent of PCs who responded to the survey said children were directly included to some degree in the process. Specifically, 10 percent responded they always include children, 21 percent indicated usually, 36 percent sometimes, and 25 percent “rarely.” Eight percent responded with I “never” include children. Some of the comments PCs made about meeting with children included:

“I meet with them once, early in the process, so I understand who the parents speak about. Sometimes again in a few years if they have matured and parents are still in conflict.”

“If parents’ comments or stated concerns indicate that there is a need for me to get the child (ren)’s perspective(s) because of the discrepancy in parent reports.”

“I always meet them, let them know my role in an age-appropriate manner...”

“Only if both parents or the GAL or the therapist is physically present with the child and PC.”

“While I have rarely included children, I am rethinking that position as the child’s voice might help penetrate some tough nuts.”

Respondents who directly included children raised the following considerations: ages of the children (more people are comfortable meeting with children school-aged and older), having at least one meeting to get to know the child; including children on a case-by-case basis, meeting children if decision-making is necessary, sometimes meeting with children with a child therapist present, meeting children to describe the PC’s role, and meeting with children to help the PC assist parents understand the impact of conflict.

II. RATIONALES FOR CHILD INCLUSION: THE PURPOSE

There are a number of factors to consider when addressing child inclusion in the parenting coordination process. Voice unto itself is important (Lundy, 2007). In most jurisdictions in the world,

children have an inherent *right* to have a voice in legal matters that affect them (UNCRC, 1989). It is about children having an opportunity to give input, whether or not the voice increases the quality of the parenting plan, parenting ability, or the parenting coordination process itself. Someone listening to what is important to a child is in itself valuable, as the position of the child shifts from being an object of discussion to an involved party in the discussion. The use of a non-directive meeting process which is child-centered creates maximum space for the child to share matters that are of importance to them (Yasenik & Graham, 2016).

According to Mindy Mitnick, Co-Chair of the Minnesota Supreme Court Advisory Committee on Child-focused Parenting Time, it is the Child Consultant's "job to determine that hearing from the child will serve the child's interests and not just the disputing parents."

Children are significant actors in a family system, rather than objects of a family system (Taylor et al., 2007). Family systems theory reinforces children as members of families. Families are systems with multiple members playing multiple roles, influencing each other in a myriad of ways. Parenting coordination serves families, yet typically the two coparents are often the only parties seen and heard. Traditionally, coparents have been given responsibility to identify and act on the best interests of their children; but, if only two members of a family system are seen, the picture is incomplete. Children's voices cannot be accurately known if represented by their parents alone. In family law, coparents have mostly been responsible for providing children's input, which allows the coparents to be in a position of accepting, dismissing, or distorting the child's views. The coparent may or may not get the best interests of a child "right" if they are missing concerns directly expressed by the child.

Children interviewed about the process of inclusion stated that they believe it is important to "have a say" in the family dispute resolution process (Graham & Fitzgerald, 2010). The "research suggests that they [children] want to be kept informed, and want their needs and interests heard" (Birnbaum, 2009, p. 2). This is different from wanting to have control over the decision made (Cashmore & Parkinson, 2009). The child's well-being, particularly when working with families in high conflict, is another factor to consider. Children play complex, active roles in families and they are privy to, part of, and sometimes direct players in their coparents' ongoing conflict. Gaining a sense of the child through meeting the child is the only way to know who the child is and how the child is managing and coping, without relying on others' perceptions. Obtaining the child's voice directly allows the PC to become enlightened to the degree the child has been affected by their coparents actions. Those in the role of PC are responsible to address the safety and functioning of both coparents and children. The PC can better understand the needs and risks inherent in the family if they meet with the child.

Parental conflict can be mediated by the child's voice. Children have things to say about the family conflict and there are times when the views of the child may influence the coparents in positive ways. The Child-Centred Continuum Model (CCCM) (Yasenik & Graham, 2016), views coparents on a continuum of four levels of point-in-time "readiness" to hear from their children. Miriam-Webster describes readiness as a state of being prepared and/or able to deal with what might or will happen (Merriam-Webster, 1828–2019). In 2014 the Parent Readiness Scale (PRS) was developed to assist practitioners to identify a parent's preparedness to hear their child's voice (Yasenik, 2014a). Nine subscales offer practitioners information about specific areas of parental readiness. "Low ratings on the PRS may indicate a point in time where a parent lacks readiness to receive child input, whereas high ratings may indicate an overall readiness to positively receive direct input from his/her child" (Yasenik & Graham, 2016, p.189). The greater the coparents' readiness (Yasenik & Graham, 2016) to hear their child, the more likely that the child's input will have a significant impact. Coparents who are identified with some level of "readiness" (level II, III, IV) on the PRS may adjust their behaviors and attitudes, increasing their protection and support of their children. Therefore, understanding the child's experience provides the PC with points of entry for discussion with coparents. Points of entry are those points where the beliefs and ideas of parents (the parent's truths) intersect with the beliefs and ideas of the child as described by the PC. The power of finding points of entry is in the engagement of low PRS parents in matters that are important to their children (Yasenik & Graham, 2018).

PCs were asked in the ICCFL Survey if including children's voices influenced parental compliance in parenting coordination. Some of the comments included:

"Most parents are strongly influenced by information provided by the child, but the manner in which the information is obtained is significant."

"Usually affects outcome regarding whether or not an arbitration would be used."

"The feelings or desires of a child of sufficient age or maturity is important for parents to hear, especially when one or both parents may misunderstand or misrepresent that voice."

"Parents who have achieved such high conflict as to be engaged in parenting coordination are rarely taking their children's concerns above their own. In fact, they use the children's stated wants and needs as ammunition and proof of alienation."

PC responses to the question of children's voices influencing the process reflect the parent readiness concept (Yasenik, 2014b) that there are degrees of readiness that impact the ways in which the PC can or should bring the child's voice back to the parents. For example, *level 1* parents in the CCCM by definition find it difficult to focus on their child's voice if that voice differs from their own ideas and beliefs, while *level 4* parents are able to hear the differentiated voice of their child. Related to dispute resolution processes, Birnbaum (2009) notes: "The levels of participation [of children] can also be characterized along an ADR continuum that stretches between voluntary and mandatory participation" (p. 21). Further to the point of child inclusion in parenting coordination she states, "Children's participation varies depending on the issues presented and the skill level of the parenting coordinator" (2009, p. 21).

III. HOW TO INCLUDE CHILDREN IN THE PARENTING COORDINATION PROCESS

Eighty-five percent of PCs responding to the ICCFL Survey think that meeting the children during the parenting coordination process can be undertaken in a safe and appropriate manner. However, there is no standard way of including children in parenting coordination at this time. Quigley and Cyr (2018) note:

To this day, parenting coordination is mainly practiced in private offices and each province/state varies in their regulation of the practice, therefore adding an important challenge to researchers who wish to compare and evaluate this new method (p. 154).

The Guidelines 2019 provide some direction related to children involved in the parenting coordination process:

"When meeting with children, a PC shall explain, in developmentally appropriate language, the PC's role, provisions of confidentiality, and anticipated involvement of the children in the process." (Guidelines VIII.C, p. 8). Additionally, the PC "considers the safety of coparents and children when communicating with coparents, counsel, children, and the court" (Guidelines X, p. 12).

The CCCM (Yasenik & Graham, 2016) discusses how to safely and appropriately include children in dispute resolution processes. Not all coparents present similarly over time. PCs must be able to modify what to bring back to parents so that at any level of readiness parents may be more open to incorporating their children's thoughts and views into decision-making. For example, a *level 1* parent would receive feedback in more global terms, while a *level 4* parent would receive specific examples (verbatim if agreed to by the child) describing their child's needs and concerns. When the parents present with different levels of readiness, the feedback is provided to both parents according to the parent with the lowest level of readiness.

IV. WHO BRINGS THE VOICE OF THE CHILD INTO THE PROCESS?

There are currently two dispute resolution practitioners that children may meet with to gain their input for the parenting coordination process: the PC directly or a specially trained Child Consultant. Child-inclusive PCs consider children as additional parties to the process and would not be viewed

as shifting their role to advocate or investigator, or as a person to bring forward recommendations, as is in the case of the Guardian ad Litem. The Child Consultant is a short-term, non-clinical, non-evaluative role, widely used in Australia in family mediation and in Canada for mediation and parenting coordination. The Consultant does not take on a therapist or a child advocate or guardian ad litem role; rather, this person is specifically trained to meet with children of separation and divorce in order to gather and bring their thoughts and concerns back to the coparents. This is a relatively new role for North America as many professionals first think of a child therapist as the most appropriate consultant for this purpose (especially if there is some discomfort in meeting with the child in the role of PC). However, it is important to consider the detriments in having the child's therapist, essentially an advocate for the child, placed into the role of consultant, who is neutral and not clinically interpreting the child's words. The therapeutic relationship and child/therapist trust can be disrupted when the therapist steps into a different role in a dispute resolution process. Additionally, the therapist and child may not be working on the same issues as the parents in the parenting coordination process, so that input from the therapist could be taken out of context. The role of the Child Consultant is to bring the child's concerns forward for consideration and not to promote the child's position and preferences.

Are there advantages or disadvantages between a PC specifically trained in child inclusion and a Child Consultant bringing the child's voice to the coparents? A trained PC who meets with a child brings the continuity of the child voice into the whole parenting coordination process. In that sense, the voice of the child never leaves the process. In addition, the PC may be able to piece together information of both the child and coparents and act on it more productively. The PC may also be able to obtain more relevant information from the child by asking follow-up questions that would assist the parenting coordination process. Furthermore, coparents may have established trust in the PC and may prefer not to bring someone new into the process.

A. WHO DECIDES?

Decisions about child inclusion can be achieved in a few ways: (1) through the PC's Professional Services Contract with the coparents, which should include an outline of the child-inclusive process; (2) upon the request and agreement of both parents, confirmed in writing, that the child's voice is necessary; and (3) that the children will ultimately have decision-making power about their involvement. Once it is clear that children are part of the process, the PC or the Child Consultant typically meets with each child twice (the child is brought once by each parent), at minimum, at some point during the beginning of the process. Since families tend to remain in parenting coordination for an extended period, there may be other times along the path where the PC or Child Consultant would meet with the child again. Usually it is agreed upon before the meeting with the child, or specified in the PC's Contract, that the child will have a say regarding participation, but will come to a meeting to *let the PC know* about their preference not to be involved. At those times, the child will see where their parents come to work on coparenting and the PC can offer a brief description of the parenting coordination process to the child. Children can then remain informed even when they decide not to engage.

It is important for PCs to reconsider seeing a child if one or both parents

disagree with the child's involvement. In those instances, it may be best practice to

request direction from the court. Court orders help to outline the process so that the parties understand the parameters of family member involvement.

V. CONFIDENTIALITY AND PROTECTIONS FOR THE CHILD

The degree of confidentiality afforded to communications by the child depends on its inclusion in the jurisdiction's statute, rule and/or court order, and there seems to be some difference in the approach to this subject in Guidelines 2005 and 2019. The original Guidelines 2005, V.A, included that

parenting coordination is not a confidential process “between parties and their children and the PC” (p. 7). Furthermore, Guidelines 2005, X.C, contained: “*The PC shall have the authority to meet with the children, any stepparent or person acting in that role, or anyone else the PC determines to have a significant role in contributing to or resolving the conflict. The PC should notify any such collateral sources that information obtained from them is not confidential and that it may be used in making decisions or writing reports or recommendations to or testifying in court (p. 12).*”

In contrast, V.B of Guidelines 2019 clearly denotes that communications of coparents within the parenting coordination process is “not confidential;” however, V.C includes that with appropriate authorization, the PC has the *discretion* to share information with collaterals, although there is no mention of how this would be specifically implemented with children. The implication is that the PC can withhold information from the child if the child is not ready for the parents to be told and/or if sharing of that information might place the child in jeopardy. However, the most reliable ways to provide protection would be through the court order, or consent agreement to parenting coordination, or by statute, rule or administrative order in that jurisdiction, as well as through the PC’s professional services contract.

In addition, Guidelines 2019, V.B, provides that the PC must disclose the limits of confidentiality to parents and their children using “developmentally appropriate language *before* the process commences” (p. 7). Given the generally on-the-record nature of parenting coordination, the authors acknowledge the difficulty of maintaining the privacy of information shared by children. As described in Appendix 1, a discussion with the child as to what information the child would like the PC to bring to the parents would be brought forward and assembled under the nine items identified in the Child and Youth Concerns Scale (CYCS) (Yasenik, 2014a; Yasenik & Graham, 2016).

If the PC or Child Consultant meets with the child alone, how will the information be shared with parents? A child has a right to a voice and the right to that voice having due influence in decisions that affect them (Lundy, 2007). Without feedback there can be no influence. How and when to bring feedback to the parents is a required skill of the PC.

Two PCs that responded to the ICCFL Survey said they would include parent(s) in the meetings/interviews with children. However, the majority of PCs responding (upwards to 80%) said (or implied) they would meet with the child individually and go to great lengths to keep the child’s input confidential, using the information gained by the child to weave later into the process when working with coparents, without directly divulging the child’s information. The most confusing issue for PCs is associated with the degree of confidentiality accorded to the process in their jurisdiction. Respondents were thoughtful about how to manage individual meetings and levels of confidentiality, although it is clear that a protective process for child inclusion is needed. Some PCs told children they cannot promise confidentiality, and one practitioner asked the child not to say anything they wanted to remain secret. Children’s safe and non-tokenistic involvement in parenting coordination requires careful consideration. Here are a few comments from the ICCFL Survey:

“Unless it’s a reportable matter, e.g., abuse or imminent danger... the PC contract must always protect children in this way.”

“This should be spelled out in the Court Order.”

“Proper contracts are essential – outline the process and the parameters of child-inclusion.”

The added challenge of confidentiality lays in reconciling a child’s request for privacy of information when the PC is subpoenaed for testimony, where permitted, or in-camera/on the record (non-confidential) discussions with the child where information is transparent, not withheld from either coparent. Can the inclusion of the child’s voice offer privacy in an “on the record” process? Fifty-three percent of the PCs voiced at least most, if not all of the time, while 15% responded rarely or never:

“The PC may be able to maintain confidentiality, but how many children truly

trust that this will happen particularly since the PC is working with the parents.”

“Since I promise confidentiality to the kids and ask them to give me a list of how I can help their parents, they are usually very open and honest with me. I just keep the list in the back of my mind and don’t share it with the parents.”

“I work with the child to inform the parents and do not withhold information, as the child’s information is essential for successful resolution of parenting concerns.”

“This is essential. I never breach the children’s trust. We have this as [a] provision in our informed consent agreement, despite laws about full transparency, if obtaining information is used to make a decision or arbitration award.”

Although there are six states where parenting coordination is confidential (Dale, Bomrad, and Jones (2020) in this issue), most other jurisdictions are not and it has generally been up to the discretion of the PC whether or not to meet with children and whether or not to disclose the children’s input. The tension between bringing useful information to parents, and maintaining the child’s trust, is a foundational skill of the Child Consultant. The authors propose that PCs consider the following: children are part of a parenting coordination process as contributing members of the family, children should be consulted as to what they would like the PC to share with their parents, information should be organized in a structured form such as the CYCS (Yasenik, 2014b; Yasenik & Graham, 2016), and children should see and hear what the PC documented. Children’s thoughts and concerns do not always reflect the parent concerns and the PC needs to be skilled in bringing the information to parents at the level to which the parent(s) can receive the information. When PCs use structure and appropriate tools for gathering information from children and are transparent with children, the idea of the file being subject to subpoena is less concerning. The child’s trust is not breached as the child is fully included in the process.

There are other specific instances that may infringe upon confidentiality. The PC is a mandatory reporter (Guidelines 2019, V.D) and must report to child protection or other protective service agencies if the practitioner forms a concern that that child is at risk of harm or harm related to the self or others. PCs are concerned about coparents’ re-litigation and the possibility of the files being subpoenaed in jurisdictions where that is permitted. PCs with a mental health background, such as licensed social workers or psychologists, are supported by their professional associations to protect children from any deemed potential harm regarding releasing information about them to third parties, including parents or the court, that could place them at further risk. Other professionals may not have this level of professional direction regarding releasing information about children.

Does inclusion of the child compromise the PC role? While 29% of PCs responding to the Survey believe child inclusion at least sometimes compromises the process, the majority, 71%, believe inclusion is rarely, if ever at all, compromising:

“Depends how it occurs. If the PC is the person interviewing the child then yes, the PC role may be compromised because of information the child may share and asks the PC not to disclose to parents. I have been including children for some time now and it does not compromise my role as PC because, with very few exceptions, I am not the person who interviews the children.”

“I only include children to hear what they have to say, but I never tell the parents what they say. It’s simply my way of checking in with the kids to see if what the parents are telling me is true. Typically, after I meet with the kids, I get to go back and tell the parents what awesome kids they have and that if they don’t straighten up, they’re going to screw that up!!! That sometimes gets them thinking, but not always.”

“If that inclusion is done judiciously and with joint parental permission, it should enhance the process. If a PC includes children in every case as a part of his/her general practice, that may cause occasional problems.”

“The PC needs to be clear about why and how children are included.”

Detailing the process and procedures related to child-inclusion in the PC’s professional services contract can be protective for the child. The explanation should address confidentiality and any limits and exceptions to confidentiality, as well as all known possible forms of harm to children, and identify a process for managing these risks. Rather than functioning as a deterrent for child inclusion by furnishing ample information, the PC’s contract can forward child-inclusive processes and procedures.

VI. MANAGING THE ETHICS OF CHILD-INCLUSIVE PARENTING COORDINATION

Recognizing that over 90% of those surveyed have met with a child as part of the parenting coordination process at least “sometimes” (International Centre for Children and Family Law, 2019), it is not so much a question of whether child-inclusive and child-centered parenting coordination

should occur, as what ethics should be applied to ensure best practices are implemented. The discussion regarding confidentiality above gives rise to a larger question: how can child-centered parenting coordination be offered ethically? Until the Guidelines 2005, PCs looked toward other dispute resolution and practice processes for guidance. For instance, ethical practice concepts related to mediation could be found in the foundational writing of Bush (1989) and Waldman (2011): working within competence, maintaining role clarity, ensuring informed consent, and avoiding exposure to harm. Guidance for ethical provisions of child-centered parenting coordination can be identified by combining the provisions in the Guidelines 2019, ethics literature for dispute resolution practice, research and practice specific to parenting coordination throughout the last fifteen years, and the comments from those surveyed.

The Guidelines 2019 describe good practice, combining the necessary skills and experiences of the PC with: (1) the need to avoid real or perceived conflicts of interest; (2) staying within the role and function of the PC; (3) maintaining impartiality; (4) not serving in dual sequential roles; and (5) maintaining confidentiality within the limits of safety, bound by the scope of authority while preserving the integrity of the process. The wider scope and breadth of the Guidelines 2019 provides the ethical concepts necessary for PCs to practice and for the field to move forward, in addition to research and responses from the ICCFL Survey.

A. WORKING WITHIN COMPETENCE

The Guidelines 2019 and the ICCFL Survey respondents identified the ethic of working within competence. Child-inclusive and child-centered practice requires the PC or the Child Consultant to combine the special skills of meeting with or interviewing a child, with the capacity to sensitively bring child feedback to highly conflictual parents. Before choosing to interview children, PCs should have the appropriate skills and training (Guidelines 2019, VIII.C and X.E).

B. MAINTAINING A CLEAR ROLE AS CHILD-INCLUSIVE PC

While the essential functions of the PC remain the same whether child-focused, child-inclusive, or child-centered, the change is the degree to which the PC, working across the family system, brings the guidance to the coparents in the process. Maintaining a commitment to the role of *coordinator*, without blending into a therapeutic, consultant, or child advocate role, is crucial (Guidelines 2019, IV).

C. SEPARATING CHILD MEETINGS FROM CHILD THERAPY AND CHILD ADVOCACY

Respondent comments questioned whether a child meeting was necessary if there was already a therapeutic intervention occurring for the child or if the child was already represented by legal counsel. However, the child meeting in a parenting coordination process serves a different purpose to any therapy or advocacy interventions. PCs enter into a meeting role in order to gain a picture of the whole family system. PCs are not ongoing therapists who assist children to manage, process, and reorganize issues using psychotherapy principles and approaches. The PC may suggest children need some on-going clinical support after meeting with them, but the PC (even with a mental health background) will not engage in any on-going therapeutic role. This difference should be explained by the PC to the parents.

D. ENSURING INFORMED CONSENT

The Guidelines 2019, and survey respondents identified the need for clarity with coparents with respect to how, when, and in what way a meeting with children would occur. The PC's professional services contract was identified as the most appropriate pathway for implementation. In addition,

the authors recommend the use of an age-appropriate form of child assent for participation in a meeting, including an understanding of what will happen to information shared, as an important element for consideration (Guidelines 2019, VIII.C). Children are important participants in the reconstruction of families post-separation and divorce. This being said, all participating family members need a detailed outline of the child-inclusive or child-centered process in terms each can agree to and understand. If the PC process fails and potentially returns to the court for further intervention because a parent is in disagreement for instance, a tightly written professional services contract helps the court to hold the parties to their contracted agreements and can therefore also support the parenting coordination interventions.

E. AVOIDING EXPOSURE TO HARM AS A RESULT OF THE PROCESS

Respondents to the survey identified the need to continually assess the parents and children for suitability of the child-inclusive process. Inherent in the parenting coordination practice is the duty of the PC to remain focused on risks and capacity that may affect the integrity of the parenting coordination process (Guidelines 2019, X and XIII). It is the duty of the PC to promote the safety of everyone in the family system. The concern that a child may suffer retribution or abuse as a result of participation is a reason to avoid meeting with that child. The *Parent Readiness Scale (PRS)* (Yasenik, 2014b), described earlier in this article, is a tool that offers PCs guidance related to nine variables. Although PCs are not able to take on the role of formal assessment of a parent's personality, low scores on the PRS may assist in indicating that greater caution is required regarding sharing a more detailed account of the child's voice. If a family has been deemed as appropriate for parenting coordination, then it is important to meet with children to, at minimum, gain a perspective of the impact of the parental conflict across the family system.

F. PREVENTING ABUSE OF THE CHILD IN THE PARENTING COORDINATION PROCESS

It is the practitioner's duty to design and maintain a structure that minimizes the opportunity for either parent to derail the process, or in other ways abuses the process, the other party, the PC, and, most importantly, the child. The PC decides on the timing of both the child meetings and how and when the child's input is brought to the coparents.

VII. CHILD-INCLUSIVE TRAINING GUIDELINES

Both the Guidelines 2005 and 2019 are clear that only a PC with appropriate training should meet with children. The Guidelines 2019, Appendix A: Recommendations for Comprehensive Training of Parenting Coordinators include subject areas particularly pertinent to children: children's developmental stages related to separation; divorce and parenting arrangements; impact of parental conflict and other adverse childhood experiences; the continuum of parent-child contact dynamics including resist-refuse; how and when to involve children in the parenting coordination process; interviewing children; and implications of IPV and mandatory reporting of child abuse and neglect. However, there is no mandated time-allotment for specific child-centered or child-inclusive training, and this was not meant to serve as an entire course outline on the subject.

PCs responding to the ICCFL Survey were almost equally split, with 44% having specific training in child-inclusive practice and 46% untrained, except from their parenting coordination training. PCs made a number of comments in the survey that identified the necessity for additional training when thinking about child inclusion. Because there has not been access to the special role of Child Consultant, many PCs automatically leaned in the direction of using the child therapist for that role:

"It's most safe and respectful for the child if it is a third-party mental health professional meeting with the child."

“It should be avoided by non-experts without a separate expert counsel involved, especially if high conflict.”

“Children may need therapeutic follow-up after meeting with the PC and the PC has to be sophisticated in understanding what other professionals are doing and coordinate with them.”

There are guidelines for training for child-inclusive Mediators, PCs, and Child Consultants offered by the following organizations: Alberta Family Mediation Society (2017), the first organization to identify a Child Consultant designation and training guidelines as well as guidelines for PCs in Canada; BC Hear the Child Roster Criteria (2012) for those providing voice of the child reports to the court; Family Mediation Council UK Standards Framework for Child-inclusive Mediators (2018); and the Australian Work Within a Child-inclusive Framework (CHCFAM008) (2015). Established training guidelines appear to identify between 30–40 hours of specialized study for those intending on being child-inclusive in their dispute resolution practice. Detailed guidelines for child-inclusive mediation (CIM), produced by the Family Mediation Council Standards Board in the UK (FMC_UK), may be useful for the PC community to consider when designing child-inclusive and child-centered course outlines. Child-centered principles, based on child-led, non-intrusive processes that allow the child to be self-directed using play-based and expressive activities, are important considerations for trainers of PCs.

VIII. SUMMARY

PCs can be advised by the progress made in mediation with regard to incorporating the child’s voice in order to continue the discussion about child inclusion in parenting coordination. There is very little research focused on the child’s voice in parenting coordination, and none appears to have significant implications as of yet. Are there differences between mediation and parenting coordination that would change or challenge the appropriateness of child inclusion in parenting coordination? Would all aspects of training be the same? Should a third party meet with the child, or when (if ever) should the PC meet with the child directly? The 2019 Guidelines do not provide guidance on this issue, except to include that training is necessary before PCs meeting with children and that children are central to the process. While the field of parenting coordination continues to develop, it is essential to keep in mind whose interests parenting coordination is meant to serve. If children are to be the beneficiaries of the process, perhaps it is time their voice is truly at the center of this exploration.

ENDNOTE

1. The Child Consultant is a practitioner trained to meet with children of post-separation/divorced parents. The consultant role is time limited and non-evaluative. It is not a child therapy role nor a child advocate role. The Child Consultant elicits the current lived life experience of the child and brings that experience to parent meetings.

APPENDIX A

X. ICCFL SURVEY OF PARENTING COORDINATORS APRIL 2019 CHILD INCLUSION IN PARENTING COORDINATION

International Centre for Children and Family Law Child: *Child Inclusion in Parenting Coordination Survey*. We are writing an article considering children’s inclusion in Parenting Coordination. We are asking PCs about their experiences and views regarding how and when to include children in the process.

1. I include children in Parenting Coordination.
2. Including children's voices influences parent compliance in Parenting Coordination.
3. I received special training in child-inclusive practice.
4. The inclusion of children in Parenting Coordination compromises the PC role.
5. What is a necessary change to the Parenting Coordination approach to ensure child inclusion?
6. I think child inclusion in Parenting Coordination should require a standard number of hours of additional training. If you agree, how many hours of additional training do you believe should be required?
7. Meeting the children during the Parenting Coordination process can be undertaken in a safe and appropriate manner.
8. Even though the Parenting Coordination process is "on the record", I can maintain the privacy of the child's information when requested to do so by the child.
9. How long have you been practicing as a Parenting Coordinator and what is your professional background?
10. City/Town and Province/State where you work?

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