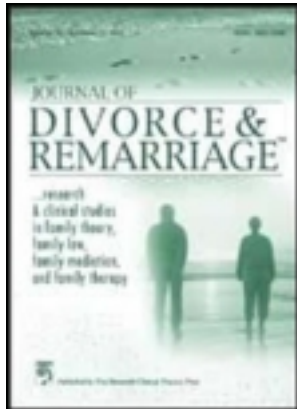


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### Parenting Coordination as an Antidote for High-Conflict Divorce and Court Relitigation

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## Parenting Coordination as an Antidote for High-Conflict Divorce and Court Relitigation

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*The effects of high-conflict divorce and parental separation on couples and their children are explored along with the costs of ongoing relitigation of these cases in the family court system. Parenting coordination is discussed as an intervention to assist high-conflict divorcing and separating parents to effectively communicate and parent their children following marriage dissolution. It is also presented as an alternative to reduce instances of recurring legal battles. According to the literature reviewed, positive outcomes of decreased relitigation include less expense for the divorcing and separating parents, the family court system, and society as a whole. Implications for practice and research are presented.*

*KEYWORDS* court relitigation, high-conflict divorce, parental separation, parenting coordination

Separation and divorce among parents in American society has become a normative event despite the often harmful effects on the couples, their children, and society in general. U.S. Census data revealed that one out of five adults have been divorced. A conclusion drawn from reports of statistical data regarding divorce rates suggests that the average length of a first marriage is a mere 8 years. The National Center for Health Statistics (2005) reported that the probability of a first marriage ending in divorce

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within 5 years is 20% and after 10 years the probability of divorce reaches 33%. Although the majority of children still live with married parents, 25% of households in the United States include single parents with children under the age of 18 (U.S. Census Bureau, 2007). An additional 6% of families include care of children by an unmarried parent with a cohabitating partner (U.S. Census Bureau, 2007).

In 2000, the U.S. Census Bureau reported the trends of divorce between 1980 and 2000. This report indicated that divorce rates decreased for both men and women ages 25 to 34 (men dropped from 7.6% to 6.4% and women from 10.1% to 8.5%). However, the 2000 report showed that the divorce rates rose for both sexes for the age group 35 to 59, a time when many families still have minor children living in the home (U.S. Census Bureau, 2000). Overall, the number of men experiencing divorce increased from 7.4% to 13.2%, and rates among women increased from 10.0% to 16.3%. The rationale, according to the 2000 Census Bureau report, found that these changes might be a repercussion of the trend to delay first marriages. The impact of such a trend would reduce the likelihood of divorcing during the younger age range (where rates decreased) and boost the percentages upward in the older age range (where rates increased).

Despite the suggested slight decrease in divorce rates reported for those between ages 25 and 34 in 2000 by the U.S. Census Bureau, the general forecast regarding dissolution of marriages is grim. For example, data presented by the National Center for Health Statistics (2002) showed that 43% of marriages were predicted to terminate in divorce. In essence, although divorce and separation are still often viewed as exceptional occurrences, it is becoming quite a mundane event for the population as a whole.

A more recent look at divorce trends according to the American Community Survey conducted by the U.S. Census Bureau in 2005 indicated that 10% of the total population was divorced. When viewed across race, the divorce rate was highest for Blacks at 11.6%, followed closely by Whites at 10.5%, with Hispanics and Asians at 7.6% and 4.7%, respectively.

Many parents who find themselves in high-conflict situations on divorce or separation were at one time quite devoted to each other in their relationships (Mitcham-Smith & Henry, 2007). These divorcing or separating relationships are characterized by hostile interactions and ongoing fighting between the parents, which leaves the children in the middle of their anger and resentment toward each other (Kelly, 2002). This type of chronically conflicted relationship dissolution not only prohibits the parents from acting in the best interests of the children (Kelly, 2008), but also often leads to long, drawn-out court battles that sometimes last for years (Kirkland, 2004). These battles can lead to high costs for parents, their families, the family court system, and society overall. Moreover, if not resolved satisfactorily during the initial court process, years of parental conflict postadjudication can ensue, exacerbating those costs exponentially.

In recent years, a unique model known as parenting coordination has evolved into an alternative resolution process that assists divorcing and separating couples in high-conflict relationships in resolving their parenting disputes (Neff & Cooper, 2004). Parenting coordination has been described as a specialized form of intervention designed to facilitate communication and appropriate behavior between high-conflict couples with regard to the needs of the children and to break the cycle of court relitigation (Boyan & Termini, 2005).

This article explores the effects of high-conflict divorce and parental separation on couples and their children, as well as on the family court system. Parenting coordination is offered as an effective “legal psychological” (Kirkland & Sullivan, 2008, p. 622) intervention for assisting high-conflict, relitigating couples.

## LITERATURE REVIEW

Proceedings for high-conflict divorce and parental separation have been found to be costly and time-consuming for families and the court system (Neff & Cooper, 2004; Nomaguchi, 2005). Families are likely to suffer due to the intensity and duration of their conflict, which is often exacerbated by the adversarial nature of the legal process (Sullivan, 2008). It is not surprising that with protracted exposure to their parents' conflict, children of divorcing and separating parents are at an increased risk for serious behavioral and emotional problems, including psychosocial issues and fears surrounding their own personal relationships (Boyan & Termini, 2005; Firestone & Weinstein, 2004; Hetherington & Kelly, 2002; Kelly, 2002). Involving high-conflict couples in parenting coordination might help them to break the vicious cycle of constant court relitigation, as well as assist them in developing more effective communication and behavior with the best interests of their children in mind (Boyan & Termini, 2005).

### Effects of Emotions on Divorcing and Separating Couples

Many divorcing and separating couples experience emotional feelings including shame, failure, humiliation, and isolation (Vangelisti, 2006). Initiators of the separation tend to experience feelings of guilt, whereas noninitiators experience feelings of rejection (Baum, 2006). Researchers have found that divorcing and separating couples who dissolve their relationships often feel guilt over the damage their separation could impose on their children, as well as over their own failures to meet cultural expectations of being a good parent and spouse (Baum). In situations involving high-conflict couples, the psychologically destructive behaviors exhibited by the coparents have been characterized as personality disorders (Neff & Cooper, 2004),

which might further implicate the children as the tensions in the parental relationships rise. Moreover, Boyan and Termini (2005) purported that angry parents might also have difficulty with impulse control as well as substance abuse, and “those parents with significant anger problems are the least likely to change during the litigation process” (p. 193).

### Consequences of Divorce and Parental Separation on Children

Although divorce and parental separation continue to remain prevalent in American society, so do the traumatic and long-lasting effects on more than 1 million children involved in parental relationship dissolution annually (Blaisure & Geasler, 2006). Relationship dissolution that leads to ongoing hostile investigations can cause psychological and behavioral problems (Vangelisti, 2006), including an increase in social and emotional maladjustment as well as academic problems in the affected children (Kelly, 2002). Hetherington and Kelly (2002) found that 10% of children who live in relatively stable married families suffer emotional and social problems; however, when families are affected by divorce, the percentage increases to 20% to 25%. Several factors have been recognized as contributing to the risk of children developing serious adjustment problems during a divorce. They include persistent exposure to high-conflict interactions between parents, loss of financial and psychological resources, hectic and confusing time-sharing schedules, adjustment to parents' new relationships, abrupt life changes, separation from parent by choice or location change, and a loss of steady parent support and contact (Kelly, 2002).

Recurring legal battles between the high-conflict divorcing parents tend to produce more negative consequences for the affected children. Although less than 5% of custody disputes reach the courtroom, the damage to children during ongoing litigation can be detrimental (Firestone & Weinstein, 2004) and could enmesh the children into turbulent conditions within the family (Jaffe, Crooks, & Bala, 2006) as their parents use the system to punish each other and prolong the process to avoid closure (Coates, Deutsch, Starnes, Sullivan, & Sydlik, 2004). For example, in an effort to establish a winning case, high-conflict separating parents often engage in exaggeration and distortion of memories, hurtful slandering, and false allegations against the opposing parent (Vangelisti, 2006). Thus, the children become victimized, trapped in the middle of their parents' antagonistic encounters where their best interests are ignored as zealous lawyers vigorously defend their clients' rights, and ultimately create additional harm (Firestone & Weinstein, 2004). Chronic conflict between parents witnessed by children can perpetuate a devalued perception of the parents as legitimate protectors, distort role identity among the children, edify ineffective conflict resolution, and place the children in a loyalty bind between opposing parents (Boyan & Termini, 2005; Kirkland, 2004). The level and intensity of conflict during

parental relationship dissolution have been identified as major factors in the postseparation adjustment, and could be the greatest predictor of negative outcomes in the children's development (Kelly, 2008). Children of high-conflict parental separation often do not learn how to resolve conflicts and, thus, their future relationships are more likely to suffer (Bartell, 2006; Boyan & Termini, 2005). In fact, research suggests that children of divorce might be less desirous of a committed relationship or more hesitant toward the prospect of marriage (Bartell, 2006).

It is important to note that recent research suggests that divorce and its effects on children are overstated (Amato, 2003). Although the effects of divorce might be significant for only a small population of children (10%), these effects can have devastating consequences for children in high-conflict divorcing situations. Amato (2003) found that these children have weaker ties to their parents, specifically their fathers, and have "lower levels of psychological well-being" (p. 338). In adulthood, children from divorced families are more likely to experience turmoil in relationships, including their own marriage dissolution. Parents' capacity to parent their children is limited due to their own personal stress, ongoing tug-of-war, and the adversarial nature of the legal process that exacerbates, rather than diminishes, their degree of hostility (Hetherington & Kelly, 2002). Couples who were once in loving, committed relationships often find themselves in a state of vicious fighting, hostility, and blame. Although there is considerable support in the literature underscoring the importance of the child-parent relationship for children's postdivorce adjustment (Carter et al., 2009), behaviors such as these can lead to feelings of alienation not only between parents, but also in the relationship between the parent and child (Freeman, 1998). In such cases, one parent might seek control, either consciously or unconsciously, over the other, by placing the child in the middle and attempting to sway the child's opinion regarding the target parent (Kirkland, 2004). As a result, children might resist seeing a parent or even lose contact with a parent altogether (Trinder, Beek, & Connolly, 2002).

### Effects of Litigation on Divorce and Separation

Litigation within the court setting has been the typical resolution method in chronically conflicted relationship dissolution situations. Judges spend excessive amounts of time and energy on a relatively small but significant number of high-conflict cases concerned with child-related issues.

#### COURT TIME SPENT LITIGATING DIVORCE

Neff and Cooper (2004) found that the court system and legal professionals spend the majority (90%) of their time on a small number (10%) of divorce cases involving high-conflict parents. In 2001, the Florida Family

Law Supreme Court Steering Committee reported that 40% of the court filings and almost 70% of reopenings were for family law cases. The couples who remained highly conflicted during parental separation (8%–12%) continued to use the court to relitigate their disputes, often 2 to 3 years postdivorce (Legislative Interim Project, 2001). In a study of divorce cases in the 11th Judicial Circuit, Miami-Dade County, Florida (2009), the average high-conflict case in 2005 included 10 motions (Henry, Fieldstone, & Bohac, 2009). From July 2007 to June 2008, the Florida State Court System (2009) reported that approximately 350,477 family court cases were filed and 349,375 family cases were reopened in Florida.

#### ADVERSARIAL NATURE OF RELITIGATION

Research suggests that two major reasons for relitigation after divorce are time-sharing disputes and child support (Elrod, 2001; Lebow & Rekart, 2006). These two factors can involve painful and disruptive circumstances whereby parents typically attempt to unearth any negative information to help win their case in court (Jaffe, Johnston, Crooks, & Bala, 2008). Premeditated and scheming behavior such as inflating ill deeds, actions, or past experiences of the ex-partner; fabricating recollections; or “airing dirty laundry” can lead to an extensive and wearisome legal ordeal for divorcing families (Elrod, 2001). The antagonistic tenor of litigation tends to make the divorcing and separating couple adversaries and less likely to reach a settlement or develop an amicable coparenting relationship following the divorce (Lebow & Rekart, 2006). Consequently, the win–lose nature of the legal system, the vague “best interests of the child” standard, and the underfunded and understaffed court system intensify the difficulty in high-conflict divorce or parental separation (Sullivan, 2008).

Recent developments in family law processes and procedures have attempted to address this inherently adversarial nature of parental separation to help parents circumvent the perception of a win–lose contest between them. The advent of legal processes such as collaborative and cooperative divorce points to the recognition that adversarial procedures are often detrimental to divorcing and separating parents and their children (Sullivan, 2008). Several states, including Florida (Florida State Senate, 2008), have recently altered the language used in family law and substituted words like “custody” and “visitation” with words like “parenting plans” and “time-sharing.” Although these changes might point to general trends, they still do not address the legal experiences of those parents prone to protracted, unrelenting conflict.

#### COSTS OF RELITIGATION

The financial consequences of relitigation can be significant to the parting couple (Nomaguchi, 2005). The stress and strain that is created between



separating parents can result in monetary struggles regarding child support, dilution of personal savings and property assets (Kumar, 2009), the general costs of protracted litigation, and setting up two separate households. In fact, costs rise according to the degree of conflict on issues such as child support and time-sharing, as most lawyers charge by the hour (Siegel, 2009).

A divorce commonly costs anywhere from \$10,000 to \$35,000 (Alhashmi, 2007; Fried, 2005; SmartMoney.com, 2006). The cost of court fees for a 2-day trial can run as much as \$25,000. Even less adversarial options such as formal arbitration and Special Masters (i.e., Parenting Coordinators) is estimated to be from \$5,000 to \$10,000 per case (Hoffman, 2006).

The cost of divorce most often correlates to the general financial assets of the couple involved. The U.S. Census Bureau (2008) reported that the average American family consisted of a married couple who earned between \$50,000 and \$74,000 annually, owned a home valued at approximately \$185,000, and had two children. The cost of their divorce averaged \$53,000, including attorney, accountant, therapist, and realtor. These costs rose to \$188,000 per divorce if the couple earned \$150,000 per year and their home was assessed at \$535,000 or higher (Gross, 2008). These types of litigation costs can escalate to exorbitant amounts when divorcing or separating couples continuously engage in legal battles, targeted at punishing one another rather than resolving their issues more productively. Some attorney fees might be as low as \$75 per hour for relationship dissolution cases, whereas others might charge as much as \$500 per hour (Child Custody Made Simple, 2008), which can result in legal fees totaling thousands of dollars. When these costs are doubled (i.e., one attorney per parent), the cost becomes exorbitant. Attorneys' fees for court appearances are often higher than office consultations, but the fees for cases that do not settle out of court could be even higher due to the additional time incurred and extra expense for taking depositions, hiring experts, conducting extensive discovery, and additional time for trial preparation (Costhelper.com, 2008). The actual filing fee is often added to the attorneys' fees, which in Miami, Florida, average \$409 for a dissolution case and \$301 for a paternity case. Additionally, modifying the motion entails an extra \$50 fee, plus \$10 per summons fees. Given these mounting expenses, it is not hard to imagine the high cost for legal representation of the parents in high-conflict cases.

In addition, high-conflict parents often incur greater expenditures as they require additional services to navigate their legal process: \$150 for the first 3 hours of divorce mediators (Katz, 2009)—although many mediators charge by the hour and the parties split the fee of \$80 to \$250 per hour (Costhelper.com, 2008)—and between \$125 and \$555 per hour for nonmedical and medical expert witnesses (SEAK, Inc., 2009). In addition to hourly fees for pretrial work, expert witnesses could charge \$5,000 to \$10,000 for court appearances (Durst, 2005).

The costs to court systems resulting from these high-conflict cases are steep due to the pattern of high relitigation and overreliance on judges'

determinations regarding nonlegal issues. According to SalaryWizard.com (n.d.), the average salary for a judge in the United States is \$144,062, and totals \$190,724 when benefits are considered. Using average costs of court personnel salaries in the Fort Lauderdale, Jacksonville, Miami, Orlando, Pensacola, Sarasota, and Tampa areas as an example, circuit salary costs for positions associated with family court cases indicates the following:

- A Florida judge earns an average of \$86.68 an hour including benefits. This equates to approximately \$179,013 annually for an 8-hour work day (SalaryWizard.com, n.d.).
- A Florida bailiff earns an average of \$16.83 an hour or \$35,000 annually (iHireJobNetwork.com, 2009).
- A Florida judicial assistant makes approximately \$19.39 an hour or approximately \$40,339 yearly (Florida State Court System, 2006).
- Total average per-hour cost for salaries directly associate to each case for judge, judicial assistant, and court security is \$122.91; this does not include the additional time for general magistrates, case managers, clerks, court services, self-help programs, other court staff, and building costs.

In an effort to reduce costs, there is an increase in the numbers of parents who represent themselves in the litigation process, which is known as *pro se* or “self-help” representation (Schwartz, 2004). Still, many of those parents involved in high-conflict divorce or separation who need some of the services mentioned earlier (e.g., custody or parenting plan evaluator, mediator, expert witness, etc.) cannot monetarily afford to acquire such services. These types of issues place further tension on already financially strained and understaffed court systems to provide fair access to court-related intervention.

In 2004, the Judicial Council of California (San Diego and Los Angeles) conducted a pilot study of early mediation programs. The pilot program in Los Angeles effectively reduced court time by 24% to 30%, a savings of \$3.6 million, by eliminating 144,540 attorney hours at an average cost savings of \$183.71 per attorney per hour. The savings to litigants of 9,240 attorney hours averaged approximately \$12,636 per attorney at 66 hours of time. Court workload savings were reported at \$395,000 per year in Los Angeles (Judicial Council of California, 2004). Given that parenting coordinators are designated in cases that have not been successful in mediation, and parenting coordination generally reduces the number of court motions, it is evident that parenting coordination services could save the courts and parties added expenses as well. Because the average high-conflict case includes 10 motions the year before referral for parenting coordination, the cost savings to the court could be significant.

It is not only the parents and court systems that can experience significant financial loss. Their communities and local, state, and federal

governments also incur significant costs as a result of marital conflict and dissolution. The cost to state and federal governments for a single divorce is estimated at \$30,000 when public assistance, such as food stamps, juvenile delinquency, public housing, or bankruptcies are factored into the cost of divorce (Whitehead & Popenoe, 2004). In the state of Florida alone in 2002, divorces cost the state almost \$2.5 billion. According to Whitehead and Popenoe (2004), the 10.4 million divorces across the nation in 2002 were estimated to have cost taxpayers more than \$30 billion. In essence, the average taxpaying citizen is directly affected by the high costs of chronically conflicted relitigating couples.

Historically, litigation and other interventions such as counseling, family mediation, and divorce education programs have been the preferred methods to assist divorcing and separating couples. However, it is becoming increasingly apparent to the family court system, attorneys, therapists, and high-conflict litigants, that these methods alone might not fully address their specific needs or diminish their demand for relitigation in the family court system. Consequently, parenting coordination has been found to be an effective model to assist high-conflict couples in resolving pre- and postdivorce issues.

## PARENTING COORDINATION

The psychologically destructive behaviors exhibited by high-conflict parents are often nonresponsive to standard resolutions or interventions such as mediation, coparenting counseling, divorce education, or parenting classes (Neff & Cooper, 2004). In recent years, the burgeoning professional field now referred to as parenting coordination has been growing in popularity as the intervention of choice for serving high-conflict divorcing couples (Beck, Putterman, Sbarra, & Mehl, 2008). The goal of parenting coordination is to facilitate communication between high-conflict separating couples with regard to the needs of their children and to break the cycle of court motions by resolving disputes expeditiously (Sullivan, 2008).

With sensitivity to the family system, parenting coordination places the focus on communication regarding the children rather than the personal unresolved issues of the divorcing couple (Fieldstone, Carter, King, & McHale, 2011). The process of parenting coordination allows the divorcing and separating couples to receive help with communication skills, conflict resolution strategies, and overall parenting skills as they navigate through new family roles and relationships. These couples learn how to disengage from each other and enter into a different relationship that is more positive for the children (Coates et al., 2004). Parents begin to focus on the well-being of the children while maintaining their parental rights (Coates, 2010).

## Parenting Coordination Functions

Essentially, the role of the parenting coordinator involves (a) monitoring and facilitating the implementation of the shared parenting plan; (b) modifying the plan with nonsubstantive changes, when necessary, to promote nonconflicting implementation; (c) teaching conflict resolution and effective communication skills; (d) teaching effects of a divorce on children; (e) helping parents promote and encourage positive relationships between the child and the other parent; (f) facilitating referrals for psychological or other help a parent or the child exhibits the need for; (g) providing educational guidance on child development; (h) making recommendations to the court in cases of impasse; and (i) working within the scope, defined by the court, in making decisions for the parties regarding child-related issues (Boyan & Termini, 2005; Coates et al., 2004). Consequently, the parenting coordination process might require the parenting coordinator to function as conciliator, arbitrator, coach, and counselor (Elrod, 2001), as well as a liaison to the family court (Firestone & Weinstein, 2004).

## Parenting Coordination Fees

The 11th Judicial Circuit in Miami-Dade County, Florida currently offers parenting coordination for the indigent population through its Family Court Services unit; however, in most areas, parenting coordinators are in private practice and charge fees at their own discretion. In Miami-Dade County, the fee range for a community provider of parenting coordination is \$75 to \$275 per hour split between the parties. In a poll of parenting coordinators participating in the Association for Family and Conciliation Courts (AFCC) Parenting Coordinator Network (2010), the range was significantly higher at \$125 to \$400 per hour shared equally between the parties. Many parenting coordinators charge retainers and some offer sliding scale options to make the process more affordable. In addition, the court has the option to designate a pro rata fee arrangement if one party is more able to afford the fee.

Although the cost of parenting coordination might appear to be exorbitant for many high-conflict coparents, the cost could be seen as bargain when compared to the ongoing costs of litigation. Additionally, the savings could be significant for the entire legal system as parents learn to amicably share responsibility for their children and adhere to parenting plans, thus reducing their children's exposure to parental conflict and court-based tug-of-wars.

## Efficacy of Parenting Coordination

Not only is the multifaceted approach of parenting coordination appealing for the resolution of pre- and postdivorce parenting disputes (Coates

et al., 2004; Johnston, 2000; Neff & Cooper, 2004), but family court judges are becoming increasingly aware that it helps preserve the court's time and decreases the litigation rates among divorced couples (Coates et al., 2004; Johnston, 2000). Additionally, many divorcing or separating couples themselves have initiated the services of a parenting coordinator (Coates et al., 2004) to reach workable agreements and improve their conflict-resolution skills, rather than abdicate their decision-making authority to lawyers and family court judges.

It should be noted that although empirical research regarding the impact of parenting coordination is limited, Kelly (2002) referenced one study conducted in a California county that highlights the efficacy of parenting coordination in reducing the number of relitigation cases. In the year prior to the appointment of Special Masters (California's term for parenting coordinators), 166 divorcing couples had 993 court appearances. The year following the introduction of coordinators to the couples, the same 166 cases had only 37 reappearances in court. In addition, parents reported a decrease in conflict with their ex-partner, as well as satisfaction with the parenting coordinator. Similar to these findings, Henry et al. (2009) conducted a case study to examine how parenting coordination might reduce relitigation in the year after designation of the parenting coordinator. The case study included a sample of high-conflict co-parenting couples from the Family Court Services unit in Miami-Dade County, Florida. The authors reviewed cases of 88 couples involved in litigation in 2006 in which coordinators were appointed, and randomly selected 49 couples to discover the impact on court motions, as well as to explore demographic variables of the high-conflict couples. Among this random sampling of 49 couples, there was a significant reduction of court motions 1 year after the parenting coordinator role was implemented. In fact, these data demonstrated the role of the parenting coordinator in helping to reduce court motions concerning children of high-conflict divorce by 75%. Within the same sample of 237 motions filed, there were 40% fewer motions that did not pertain to children. In other words, 30 of the 49 couples had fewer court motions after appointment of a parenting coordinator, which accounted for a 61.2% decrease. Overall, after the parenting coordination services were implemented, court motions were reduced by half. The case study results also indicated the diversity of families involved in high-conflict divorce and parental separation. Finally, Henry et al. noted that implications of the parenting coordinator's work extended well beyond the improved communication of the family, thus pointing to the need to make the parenting coordinator's work better known to other jurisdictions and communities. These positive results seem to suggest that parenting coordination could be the antidote to assist couples in high-conflict situations and break the vicious cycle of court relitigation.

## IMPLICATIONS FOR PRACTICE AND RESEARCH

Depending on the extent of conflict between couples, divorce and parental separation is known to have many lasting effects on families. Children of high-conflict parental separation are at a greater risk for behavioral, academic, and psychological problems. The parenting coordinator serves to improve interpersonal relations within the family in the best interests of the child. Evidence exists to support the notion that if the parenting coordinator manages to help reduce the turmoil between parents, the child will suffer less and adapt more easily, preserving his or her emotional and psychological well-being to every extent possible.

Parenting coordinators are significant to courts as well as to high-conflict parents. They offer the prospect of less court time, decreased litigation rates for parents, and fewer court hearings. Currently, 11 states have statutes regulating the practice of parenting coordination: Colorado, Florida, Idaho, Louisiana, Maine, North Carolina, Oklahoma, Oregon, South Dakota, Texas, and Vermont; others might be regulated by court rule. Therefore, family court systems throughout the country would do well to take the lead in advocating for greater standardization of this model as an effective intervention. For example, a nationally recognized code, such as the AFCC Guidelines for Parenting Coordinators (AFCC Task Force on Parenting Coordination, 2005), as well as the universal recognition of the parenting coordinator name, might help maintain the intent behind the role. In the state of California, the parenting coordinator is still referred to as a Special Master, and several other states use different names to describe the role (Kelly, 2002; Kirkland & Sullivan, 2008). Further, although certain states have narrowed the qualifications of parenting coordinators to mental health professionals or psychologists, a case study on training, skills, and practices of parenting coordinators executed by the Florida Chapter of the AFCC in 2009 confirms the AFCC Guidelines that recommend appropriately trained attorneys and mediators as possible effective coordinators (Fieldstone et al., 2011). Because the diversity of parents who are involved in high-conflict separation or divorce, including their income levels, has been well established, it is important to have a large pool of parenting coordinators of different cultural and ethnic backgrounds available to provide intervention with a variety of fee structures.

Additionally, with the recognition that parenting coordination can reduce costs to all parties involved, including the court and society at large, court systems might wish to implement programs or utilize parenting coordinators in their communities to address the issues of high-conflict families when possible. Especially during an economic recession when state and federal funding is exceptionally tight, it could be cost effective to initiate court programs that provide parenting coordination for the indigent population rather than enduring the high costs these parties impose on the adversarial court system.

Further research on the effectiveness of parenting coordination might help provide evidence of its usefulness as a legal psychological intervention. Although few empirical research studies regarding parenting coordination exist (Beck et al., 2008; Kirkland & Sullivan, 2008), it is apparent that interest in this research focus is increasing. The Parenting Coordination Task Force of the Florida Chapter of the AFCC (2009) embarked on a statewide study of parenting coordination practices. Phase II of this study will survey parties that have participated in the process and correlate their responses to those of their parenting coordinators to ascertain the similarity of their perceptions of the process. It is anticipated some best practices will begin to emerge when both the coordinator and the clients concur that specific techniques work in specific situations.

It is important to consider that parenting coordinators function best in a system that supports the process. Circuits where parenting coordination is an alternate dispute option might wish to study why the practice is not utilized to its fullest degree. The 11th Judicial Circuit in Miami-Dade County, Florida is in the process of implementing a tri-survey to compare the expectations and perceptions of judiciary, attorneys, and parenting coordinators. Obstacles to the process could be determined and enhancements could then take place to best ensure that children and families can benefit from the process.

In conclusion, a review of the literature suggests that parenting coordination is a viable and effective antidote for high-conflict litigation. Evidence has shown that parents involved in the process initiate fewer court motions, which is a valid way to measure their reduced parental conflict according to Pruett (2009). Because fewer court hearings equate to a significant cost savings to the system as well as to the parents, it would be beneficial for judicial circuits that do not utilize parenting coordinators to consider this option for their high-conflict families.

## REFERENCES

- Alhashmi, I. (2007). The average cost of the U.S. divorce. *Ezine Articles*. Retrieved from <http://ezinearticles.com/?The-Average-Cost-of-The-US-Divorce&id=656559>
- Amato, P. R. (2003). Reconciling divergent perspectives: Judith Wallerstein, quantitative family research, and children of divorce. *Family Relations*, 52(4), 332–339.
- Association for Family and Conciliation Courts, Florida Chapter. (2009). Parenting coordination. Retrieved from <http://www.flafcc.org/parenting.cfm>
- Association for Family and Conciliation Courts Parenting Coordination Network (2010, May). *Resources for professionals*. Retrieved from <http://flafcc.org/resource.cfm/parenting>

- Association of Family and Conciliation Courts Task Force on Parenting Coordination. (2005). Guidelines for parenting coordination. *Family Court Review*, 44, 162–181.
- Bartell, D. S. (2006). Influence of parental divorce on romantic relationships in young adulthood: A cognitive-developmental perspective. In M. Fine & J. Harvey (Eds.), *Handbook of divorce and relationship dissolution* (pp. 339–630). Mahwah, NJ: Erlbaum.
- Baum, N. (2006). “Separation guilt” in women who initiate divorce. *Clinical Social Work Journal*, 35, 47–55.
- Beck, C., Putterman, M., Sbarra, D., & Mehl, M. (2008). Parenting coordinator roles, program goals and services provided: Insights from the Pima County, Arizona program. *Journal of Child Custody*, 5, 122–139.
- Blaisure, K. R., & Geasler, M. (2006). Educational interventions for separating and divorcing parents and their children. In M. Fine & J. Harvey (Eds.), *Handbook of divorce and relationship dissolution* (pp. 575–602). Mahwah, NJ: Erlbaum.
- Boyan, S. M., & Termini, A. M. (2005). *The psychotherapist as parent coordinator in high-conflict divorce*. New York, NY: Haworth Clinical Press.
- Carter, D. K., Bruce, E., Farber, L. P., Fieldstone, L., Moreland, D., Moring, J., . . . Zolo, N. (2009). *Empirically based parenting plans: What professionals need to know* [CD-ROM]. Sarasota, FL: Professional Resource Press.
- Child Custody Made Simple. (2008). *Child custody attorney cost: How much does a child custody attorney cost?* Retrieved from <http://www.costhelper.com/cost/finance/child-custody-attorney.html>
- Coates, C. A. (2010). Parenting plan coordinators: When you need professional help to make joint decisions. *Family Advocate*, 33(1), 20–23.
- Coates, C. A., Deutsch, R., Starnes, H., Sullivan, M. J., & Sydlik, B. (2004). Models of collaboration in family law: Parenting coordination for high-conflict families. *Family Court Review*, 42, 246.
- CostHelper.com. (2008). How much does a divorce cost? Retrieved from <http://www.costhelper.com/cost/finance/divorce.html>
- Durst, R. (2005). Back to basics: Family law litigation. *New Jersey Law Journal*. Retrieved from <http://find.galegroup.com/itx/infomark.do?contentSet=IAC-Documents&type=retrieve&tabID=T002&prodId=EAIM&docId=A135162186&source=gale&userGroupName=tamp44898&version=1.0>
- 11th Judicial Circuit, Miami-Dade County, Florida. (2009). *Child support enforcement division, Parenting coordinators*. Retrieved from [http://www.jud11.flcourts.org/programs\\_and\\_services/parenting\\_coordinators.htm](http://www.jud11.flcourts.org/programs_and_services/parenting_coordinators.htm)
- Elrod, L. D. (2001). Reforming the system to protect children in high conflict custody cases. *William Mitchell Law Review*, 28, 495–551.
- Fieldstone, L., Carter, D., King, T., & McHale, J. (2011). Training, skills and practices of parenting coordinators: Florida statewide study. *Family Court Review*, 49, 801–817.
- Firestone, G., & Weinstein, J. (2004). Models of collaboration in family law: In the best interests of children: A proposal to transform the adversarial system. *Family Court Review*, 42, 203.
- Florida State Court System. (2006). *Salary schedule*. Retrieved from [http://www.flcourts.org/gen\\_public/employment/salary-schedule1.html](http://www.flcourts.org/gen_public/employment/salary-schedule1.html)



- Florida State Court System. (2009). *Florida court filings, summary reporting system*. Retrieved from <http://www.flcourts.org/. . . pubs/bin/CircuitCountyFilings.xls>
- Florida State Senate. (2008). Dissolution of Marriage; Support; Time-sharing, Parts I-II. Florida State Statute §61.13, October 1. Retrieved from [http://www.flsenate.gov/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=Ch0061/ch0061.htm](http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0061/ch0061.htm)
- Freeman, R. (1998). Parenting after divorce: Using research to inform decision-making about children. *Canadian Journal of Family Law*, 15, 70–130.
- Fried, C. (2005, July 1). Getting a divorce? Why it pays to play nice. *Money*, p. 34.
- Gross, J. (2008). *The high cost of divorce*. Retrieved from <http://mddivorcelawyers.com/legalcrier/divorce/the-high-cost-of-divorce>
- Henry, W. J., Fieldstone, L., & Bohac, K. (2009). The impact of parenting coordination on court re-litigation: A case study. *Family Court Review*, 47, 682–697.
- Hetherington, E. M., & Kelly, J. (2002). *For better or for worse*. New York, NY: Norton.
- Hoffman, L. (2006). *To have and to hold on to*. Retrieved from [http://www.forbes.com/2006/11/07/divorce-costs-legal-biz-cx\\_lh\\_1107legaldivorce.html](http://www.forbes.com/2006/11/07/divorce-costs-legal-biz-cx_lh_1107legaldivorce.html)
- iHireJobNetwork.com. (2009). *Bailiff salary in Florida*. Retrieved from <http://www.ihirelawnforcement.com/t-Bailiff-s-Florida-salary.html>
- Jaffe, P., Crooks, C., & Bala, N. (2006). *Making appropriate parenting arrangements in family violence cases: Applying the literature to identify promising practices* (Report 2005-FCY-3E). Retrieved from the Department of Justice Canada: [http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/rep-rap/2006/2005\\_3/index.html](http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/rep-rap/2006/2005_3/index.html)
- Jaffe, P., Johnston, J., Crooks, C. V., & Bala, N. (2008). Custody disputes involving allegations of domestic violence: Toward a differentiated approach to parenting plans. *Family Court Review*, 46, 500–522.
- Johnston, J. R. (2000). Building multidisciplinary professional partnership with the court on behalf of high-conflict divorcing families and their children: Who needs what kind of help? *University of Arkansas, Little Rock Law Review*, 22, 453–461.
- Judicial Council of California. (2004). *Evaluation of early mediation pilot programs*. San Francisco, CA: Administrative Office of the Courts.
- Katz, G. (2009). Jammed Riverside court will compel mediation. *Los Angeles Daily Journal*. Retrieved from <http://www.mediate.com/articles/PynchonVb120080824B.cfm>
- Kelly, J. B. (2002). Psychological and legal interventions for parents and children in custody and access disputes: Current research and practice. *Virginia Journal of Social Policy & The Law*, 10, 129–163.
- Kelly, J. B. (2008). Preparing for the parenting coordination role: Training needs for mental health and legal professionals. *Journal of Child Custody*, 5, 140–159.
- Kirkland, K. (2004). Advancing ADR in Alabama: 1994–2004. Efficacy of post-divorce mediation and evaluation services. *The Alabama Lawyer*, 65, 186.
- Kirkland, K., & Sullivan, M. (2008). Parenting coordination (PC) practice: A survey of experienced professionals. *Family Court Review*, 46, 622–636.
- Kumar, K. (2009, September 10). *The challenge of dividing properties during divorce*. Retrieved from <http://ezinearticles.com/?The-Challenge-of-Dividing-Properties-During-Divorce&id=2901249>

- Lebow, J., & Rekart, K. (2006). Integrative family therapy for high-conflict divorce with disputes over child custody and visitation. *Family Process*, 46, 79–91.
- Legislative Interim Project. (2001). *Review of Family Courts Division and United Family Court Model Program*. Retrieved from [http://www.flclerks.com/Pub\\_info/2000\\_2001\\_pub\\_info/Family\\_Courts.pdf](http://www.flclerks.com/Pub_info/2000_2001_pub_info/Family_Courts.pdf)
- Mitcham-Smith, M., & Henry, W. J. (2007). High-conflict divorce solutions: Parenting coordination as an innovative co-parenting intervention. *The Family Journal: Counseling and Therapy for Couples and Families*, 15, 368–373.
- National Center for Health Statistics (2002). *Cohabitation, marriage, divorce, and remarriage in the United States* (Series Rep. 23, No. 22). Retrieved from [http://www.cdc.gov/nchs/pressroom/02news/div\\_mar\\_cohab.htm](http://www.cdc.gov/nchs/pressroom/02news/div_mar_cohab.htm)
- National Center for Health Statistics. (2005). *Surveys and data collection systems: National vital statistics system, marriages and divorces*. Retrieved from <http://www.cdc.gov/nchs/mardiv.htm>
- Neff, R., & Cooper, K. (2004). Progress and parent education: Parental conflict resolution. *Family Court Review*, 42, 1–16.
- Nomaguchi, K. M. (2005). Are there race and gender differences in the effect of marital dissolution on depression? *Race, Gender & Class*, 12, 11.
- Pruett, M. K. (2009, November). *Plenary key note speech*. Presented at the AFCC Regional Training Conference: Interventions for family conflicts: Stacking the odds in favor of children, Reno, NV.
- SalaryWizard.com. (n.d.). *Florida judge/magistrate salaries*. Retrieved from [http://swz.salary.com/salarywizard/layouthtmls/FL/swzl\\_compresult\\_state\\_FL\\_LG12000022.html](http://swz.salary.com/salarywizard/layouthtmls/FL/swzl_compresult_state_FL_LG12000022.html)
- Schwartz, C. (2004). Pro se divorce litigants: Frustrating the traditional role of the trial court judge and court personnel. *Family Court Review*, 42, 655–672.
- SEAK, Inc. (2009). *Expert witness fees*. Retrieved from [www.seak.com/expert\\_witness\\_fees.html](http://www.seak.com/expert_witness_fees.html)
- Siegel, D. (2009, June 13). *Contested divorce*. Retrieved from <http://ezinearticles.com/?Contested-Divorce&id=2472249>
- SmartMoney.com. (2006). *Marriage and divorce: The great divide*. Retrieved from <http://www.smartmoney.com/divorce/basics/index.cfm?story=divide>
- Sullivan, M. J. (2008). Coparenting and the parenting coordination process. *Journal of Child Custody*, 5(1–2), 4–24.
- Trinder, L., Beek, M., & Connolly, J. (2002). Making contact: How parents and children negotiate and experience contact after divorce. *Journal of Family Studies*, 15, 20–35.
- U.S. Census Bureau. (2000). *Household and families: 2000. Census 2000 briefs and special reports*. Retrieved from <http://www.census.gov/prod/2001pubs/c2kbr01-8.pdf>
- U.S. Census Bureau. (2005). *2005 American community survey*. Retrieved from [http://factfinder.census.gov/servlet/STTable?\\_bm=y&-geo\\_id=01000US&-qr\\_name=ACS\\_2005\\_EST\\_G00\\_S1201&-ds\\_name=ACS\\_2005\\_EST\\_G00\\_](http://factfinder.census.gov/servlet/STTable?_bm=y&-geo_id=01000US&-qr_name=ACS_2005_EST_G00_S1201&-ds_name=ACS_2005_EST_G00_)
- U.S. Census Bureau. (2007). *America's family and living arrangements: 2007*. Retrieved from <http://www.census.gov/population/www/socdemo/hh-fam/p20-561.pdf>
- U.S. Census Bureau. (2008). *America's family and living arrangements: 2008*. Retrieved from <http://www.census.gov/population/www/socdemo/hh-fam/cps2008.html>

- Vangelisti, A. (2006). Hurtful interactions and the dissolution of intimacy. In M. Fine & J. Harvey (Eds.), *Handbook of divorce and relationship dissolution* (pp. 575–602). Mahwah, NJ: Erlbaum.
- Whitehead, B., & Popenoe, D. (2004). *The state of our unions*. Retrieved from <http://marriage.rutgers.edu/publicat.htm>