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Implementation of a Parenting Coordination Pilot Project in Montreal, Canada: *What Did We Learn?*

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Abstract

For parents who experience high conflict following their separation or divorce, the various psychosocial and legal services provided by the government of Quebec or in the private sector have proven to be inadequate, resulting in an over-dependence on the court system and child protective services to provide solutions. In response to this social dilemma, the Quebec Ministry of Justice agreed in 2012 to fund a pilot project to determine if parenting coordination could provide some relief to the families and to the judicial system. A research team also had the mandate to evaluate the extent to which parenting coordination could eventually be integrated with other services being offered in both the public and private sectors. Between 2012 and 2014, ten families were followed by two parenting coordinators for a period ranging from six to 18 months. This article will present the interdisciplinary model put forward in the implementation of a parental coordination project, some highlights of the results of this pilot project and the recommendations that ensued.

Keywords

High conflict, parenting coordination, pilot project, interdisciplinary model

**Implementación de un proyecto piloto
de coordinación de la parentalidad en Montreal,
Canadá: *¿Qué hemos aprendido?***

Resumen

Para los padres que experimentan un alto conflicto después de su separación o divorcio, los servicios psicosociales y legales proporcionados por el Gobierno de Quebec o en el sector privado han demostrado ser inadecuados, lo que resulta en una dependencia excesiva del sistema judicial y de los servicios de protección infantil. En respuesta a este dilema

social, el Ministerio de Justicia de Quebec acordó en 2012 financiar un proyecto piloto para determinar si la coordinación de la crianza de los hijos podría brindar algún alivio a las familias y al sistema judicial. Un equipo de investigación también evaluó en qué medida la coordinación de la crianza podría integrarse con otros servicios que se ofrecen tanto en el sector público como en el privado. Entre 2012 y 2014, diez familias fueron seguidas por dos coordinadores de crianza durante un período de seis a dieciocho meses. Este artículo presenta el modelo interdisciplinario implementado en el proyecto de coordinación parental, algunos aspectos destacados de los resultados y recomendaciones de dicho proyecto piloto.

Palabras clave

Alto conflicto, coordinación de parentalidad, proyecto piloto, modelo interdisciplinario.

INTRODUCTION

The judicial district of Montreal is situated in the province of Quebec, Canada, and distinguished legally from the other provinces by the fact that its laws are based on a Civil Code, while the rest of the country falls under common law. Until 1968, there was no uniform federal divorce law in Canada until the Divorce Act was introduced giving the federal parliament exclusive jurisdiction to regulate the law of marriage and divorce. Nevertheless, Quebec applies this act differently and in accordance to provisions of its civil code. This has huge implications with regard to the practice of parenting coordination as the court, unlike in the rest of North America, cannot delegate any powers of arbitration in the domain of family law (Fidler & Epstein, 2008). PCs in Quebec can only make recommendations and have no decision-making powers. Traditionally, families going through a separation and/or divorce have had access to a variety of resources facilitating their transition, yet, for approximately 20% of this population, the existing services offer little or no assistance (Garrity & Baris, 1994; McIntosh, 2003; Kelly, 2003). For them, the only recourse available when there is an escalation of conflict is litigation and the hope that a judge will resolve the problem or will impose or render a decision. Over the years, these families have tended to overuse whatever few existing services might still be available (recurring reports to child protective services, multiple psychosocial assessments, failed mediation attempts). This untenable situation has been further exacerbated by frequent changes of attorneys, numerous contested trials and hearings, complaints against the professionals involved, and concurrent involvement of several courts such as the Superior Court (family division) and the Court of Quebec (youth and criminal division). Invariably, children become the biggest victims of this spiralling conflict along with depleting family resources due to expenses incurred by legal fees, professional honoraria and other costs related to spending an inordinate amount of time in court. Finally,

professionals also experience a sense of powerlessness and hope for a better way to fulfill their mandate and respond to the needs of their clients. As a consequence to this deteriorating situation, a handful of professionals and organizations successfully convinced the government to fund a pilot project making use of parenting coordination as an innovative service that, they felt, might complement what was already available to these families.

According to the AFCC (2006) definition, parenting coordination is a child-focused alternative conflict resolution process, a new approach to help separating families who experience high conflict to focus on the needs of their children. As a general rule, it serves primarily to support these parents in implementing their judgment or parenting plan and exercising their parental responsibilities. Additionally, this service also aims to reduce the frequency of court litigation, which is an important consideration in the Montreal project. Indeed, high conflict parents usually tend to be caught up in ongoing litigation and unable to implement an existing court order or parenting plan. These parents frequently find themselves in a crisis situation and will easily engage in conflict-escalating behavior that invariably will bring them back to court. In such instances, parenting coordination can be a more effective method than other traditional services in helping parents find solutions to seemingly intractable conflict (Baris et al., 2001; Coates, Deutsch, Starnes, Sullivan, & Sydlik, 2003; Sullivan, 2013). Parenting coordination can also be a useful tool in instances when there are allegations of sexual or physical abuse (that youth protection services are unable to verify), substance abuse and the occurrence of domestic violence that can potentially place children at risk. As well, the involvement of a PC can be helpful in instances where there is a history of mental illness or parental alienation practices on the part of one or both parents. A PC can also facilitate the use and referral to external resources and social network supports that these parents would not normally consider.

This last function was utilized in our pilot project whereby parents were often referred to community services.

IMPLEMENTATION OF PC PILOT PROJECT

The pilot project was overseen by a multidisciplinary committee comprised of representatives from the Ministry of Justice of Quebec, the AIFI,¹ the Quebec Bar Association, the Superior Court of Quebec and the Department of Youth Protection (DYP) as well as several professionals, including the first author, who had knowledge and experience in the field. A government funded service that provided child custody assessment and family mediation at the Superior Court was assigned the task of administering the pilot program. A smaller committee overseen by this latter service and comprised of the director, the two PCs, researchers from the Université de Montreal and a consultant from the AIFI was given the responsibility for implementing the project. As of October 2012, ten separated/divorced parents experiencing high conflict were selected by lawyers, judges and other professionals to take part in the pilot project that provided 40 hours of free parenting coordination service for a period ranging from six to 18 months. Families that were selected had undergone a child-custody assessment, were unsuccessful in mediation and could not manage to respect a court judgement. Parents that were excluded were those considered chronic litigators (querulous), had a serious mental health diagnosis (as evidenced in the court file), had a criminal record as a result of domestic violence or had a pending case with the Department of Youth Protection.

Parents were initially seen individually and then conjointly, at which time they were provided information with regard to the nature and objectives of the project as well as the role of the parent coordinator and the process that would be followed. A detailed contract was signed with each parent explaining the time frame, costs to be incurred beyond the free hours, complaint procedure, and the involvement of lawyers and the judge seized with the case² when an impasse would occur. Children were seen on at least one occasion (on average, three times) by the PC, either alone or with their parents and with the aim of giving them an opportunity to express their needs and have their opinions and experience taken into account.

The primary goal of the service was established as helping the co-parents implement their parenting plan or judgement and helping them function more effectively in

1. The AIFI is an international association catering to French speaking professionals working with families experiencing divorce and separation.

2. During this pilot project, a judge remained in charge of each assigned case for the duration of the intervention.

their co-parenting relationship. Another important goal was to empower them, in the long term, to normalize their relations so that they could eventually function with minimal supervision and monitoring. As a process, the intervention plan was divided into four phases: initial, implementation, maintenance, and termination.³

Intervention approach utilized by PCs

For the most part, the PCs utilized a systemic solution-focused and family narrative approach (Bannink, 2010; Winsdale & Monk, 2000) whereby parents were constantly encouraged to come up with better ways of functioning. The ultimate aim was to improve communication and problem solving skills while maintaining a clear focus on what would enhance family functioning and minimize the deleterious effects of high conflict on their children. During the initial individual meetings, parents were asked to share their 'family story' and describe those events that contributed to the escalation of conflict. They were then encouraged to suggest what would need to change or be different if co-parenting and family relations were to be more functional. A similar interviewing protocol was utilized with the parents' lawyers and children (D'Abate, 2016).

Furthermore, given that, in Quebec, PCs can't arbitrate when an impasse is reached, a mechanism was established for the PCs to contact the lawyers and, ultimately, the judge seized with the case in those instances where parental differences could not be resolved. In fact, on a few occasions, a judge was asked to conduct a judicial conference (informal meeting outside the courtroom) with the parents and lawyers when the parents risked going back to court as a result of escalating conflict and the inability to resolve differences, even with the help of the PC.

EVALUATION OF PILOT PROJECT

A team of researchers from the Université de Montréal assigned to evaluate the project submitted a report on March 31st, 2017 to the Quebec Ministry of Justice (Cyr, Macé & Quigley, 2016), which was subsequently posted on its website as a public document.⁴ For the purpose of this article, we will briefly outline the major findings and focus more specifically on the lessons learned from this project and the recommendations made to the government. A more extensive and formal description of

3. This approach was adapted from a similar project conducted in Washington, DC, by the APA (Lally & Higuchi, 2010).

4. Link to access the full report (in French): https://www.justice.gouv.qc.ca/fileadmin/user_upload/content/documents/Fr_francais_/centredoc/publications/couple-famille/Rapport_CP.pdf.

the research design, methodology and analysis can be obtained from the above cited report.

Research design

The research team conducted a longitudinal study with pre- and post-measures and collected quantitative data (psychometric measures) as well as qualitative data, which allows for a richer understanding of the experiences of the participants involved in the pilot project. Only some highlights of the qualitative analysis will be presented in this article.

Parents and children were met by researchers on two occasions (at the start and at the end of the intervention) and administered standardized questionnaires. Semi-structured interviews were also conducted (post-intervention) with children, parents, judges and the two PCs. As for lawyers, they were asked to fill out an online survey. Finally, litigation rates one year prior to the start of the pilot project and one year post-intervention were compiled and compared to a control group. The research questions essentially focused on how the parenting coordination process was experienced (positive and negative elements) and how did all participants evaluate the utility and efficacy of the intervention. As well, an effort was made to determine the evolution of family relations (conflict, communication, well-being, children's conflict of loyalty) and litigation rates. For more information on the research design and results, see Quigley and Cyr (2017a) or consult the report online (in French) on the MJQ website (Cyr, Macé, & Quigley, 2016).

Results: Qualitative Analysis

Thematic analyses were performed in order to gain a deeper understanding of the answers given by the different participants (parents, children, judges and PCs) to the semi-structured interviews. Main findings will be presented in the following paragraphs.

Parents' perspective (n = 17). Most parents, except for three mothers, expressed dissatisfaction with the process and painted a negative view of their experience. Yet, a vast majority of them thought this intervention could be of help to other families and should be made available in instances of high conflict. Interestingly, some parents that described a negative experience were also able to identify positive outcomes such as better communication, less animosity, not having to come back to the court, the fact that the PC met with their children, the PC facilitating email communication, and being able to reach agreements on smaller-scale disputes. However, many parents seemed to think that parenting coordination didn't help with the "bigger picture", which may be a reflection of the high (and sometimes unrealistic) expectations that some parents had of the process. The negative view shared by many parents needs to be understood in context and does

not mean that the parenting coordination intervention was a failure. Indeed, different contextual factors were identified as having contributed to a lower level of satisfaction for parents: 1- the absence of decision-making authority given to the PC; 2- the lack availability of the PC in some cases; 3- the need for more clarification with regard to the parenting coordination process, e.g., role of the PC and its limits, and 4- the insufficient length of the intervention, i.e., 40 hours were considered not enough and many parents could not afford to pay beyond the free hours. It should also be pointed out that parents' discourse reflected a tendency to project blame onto the other parent or the PC for the perceived failure of the intervention. Many of them shared the frustration that the PC couldn't arbitrate and settle on intractable issues, which led, in some instances, to an escalation of conflict.

Children's perspective (n = 10). Interestingly, the feedback provided by the children was more positive than that of their parents. Half of the children interviewed noticed improvements in their family following parenting coordination, such as better communication between their parents and less exposure to conflict. Most children also expressed that they appreciated the opportunity to have an input in the process by meeting with the PC. Children were almost unanimous in stating that they should have a voice in parenting coordination and a few even stated that they would have liked more contact with the PC (for more on this topic, see Quigley & Cyr, 2017b). However, not all of the children's discourse was positive, and when it came to their personal experience two of them stated that matters between their parents became worse following parenting coordination and a few also commented that they saw no change.

Lawyers' perspective (n = 10). Results from the online survey filled out by lawyers showed that nearly 90% of them expressed an overall positive view/feeling toward parenting coordination. Many of them felt this intervention has a definite place in the Quebec judicial system, although not necessarily in its actual form (ideas for improvement were suggested). Nevertheless, many lawyers expressed some reservation as to the ultimate impact of the intervention on their clients. The decrease in the level of conflict between parents and in querulous behavior (tendency to complain and go back to court) were areas in which the lawyers noted the most benefits. Most lawyers also shared the view that 40 hours of intervention was not enough to accomplish the goals of parenting coordination.

Judges' perspective. Overall, judges expressed a favorable opinion of parenting coordination. In fact, most felt that parenting coordination has its place in the court system and that this intervention should be easily accessible to families with a high conflict profile. Furthermore, they believed the expertise of the PC can be of assistance to them in their judicial function as well as help in reducing the workload of the court, which is often over-bur-

dened by repeated litigation. While some judges showed an openness to the idea of delegating some judicial authority to the PC, others expressed reservation as this would mean major changes in the laws and system in place.

Several judges complained that there was a lack of communication between themselves and the PC and further claimed that they received little to no information regarding their case. Lack of follow-up, other than a termination report, was also perceived as an important problem. Most of them would have liked to be more informed and more involved in telephone or in-person case conferences. Finally, many judges were very skeptical that parenting coordination could be of help with all families and suggested that the most problematic situations should not be referred for this service.

Parenting coordinators' perspective. The two PCs involved in providing services to the ten families reported that there were many agreements made between parents as they helped them to find solutions to difficult co-parenting conflicts. In a majority of cases, the families did not return to court while they were engaged in the parenting coordination process and the PCs were effective in being able to involve the lawyers and judges toward this end. Meetings with the children were considered to be important interventions that became indispensable as a source of information that could be conveyed to parents throughout the process. When asked what they considered obstacles in their efforts to assist these families, both PCs felt that the lack of clarity about the parenting coordination mandate and process on the part of all parties concerned greatly impeded progress and created impasses. Adding to the problems encountered was the fact that many parents were involved in concomitant contested legal proceedings regarding alimony, change of 'custody' and domestic violence, to name a few. These 'elephants in the room' were a major distraction and there was a constant struggle to 'park' these issues and move on to issues related to co-parenting and the children. Finally, both PCs indicated that the ability to make decisions for the parents by using an arbitration procedure or simply making recommendations to which the parents would abide would have been immensely useful. It is believed that this would have helped to avoid many impasses and, in the process, minimize the degree of frustration felt by most parents.

Litigation rate

Overall, the findings indicated that there was a decrease in the number of judgments rendered by judges and of motions filed by families pre-and post-intervention. The parenting coordination group was compared over a three-year period to a 'comparison group' who didn't receive parenting coordination services and had similar high-conflict characteristics. Results showed the parenting coordination group was significantly less inclined to

litigate, made fewer requests for a change in custody and there was a decrease in the number of judgments rendered on their behalf. These positive findings are consistent with similar conclusions found by other researchers in a number of other judicial districts (Henry, Fieldstone, & Bohac, 2009; Brewster, Beck, Anderson, & Benjamin, 2011). However, these results need to be interpreted with care because of the small sample in our pilot project. Further studies also need to examine whether these improvements are maintained over time.

DISCUSSION AND SUMMARY OF FINDINGS

Overall, the professionals involved (lawyers, judges, PCs) expressed a positive opinion of the parenting coordination process and were convinced that, certainly, this service could be of great assistance to high conflict families and that it has a place in the Quebec judicial system. Children, for the most part, also felt positive about their experience and were enthused about the opportunity to take part in a process that involved them and their parents. About half of these children reported having seen improvements with regard to the level of conflict and communication between their parents. This is noteworthy since the ultimate goal of parenting coordination is to contribute to the well-being of children by reducing conflict and improving co-parenting relations. These relatively positive reactions on the part of children and professionals involved in the pilot project seem to be reflective of many other studies undertaken in various other legal jurisdictions in the U.S., Canada and elsewhere in the world (Fieldstone, Lee, Baker, & McHale, 2012; Serpil, 2016).

The view of most parents (with the exception of three) were somewhat more negative, as they mostly felt that the parenting coordination process did not reduce the level of conflict with their co-parent and, in some instances, made things worse. However, most parents also believed in the value of having a PC available to help separated families living in conflict. Some felt, however, that the lack of any decision-making powers on the part of the PC did not allow for any change to take place and progress to be made. Not surprisingly, this reaction has surfaced in other studies where parental responses were similarly solicited (Serpil, 2016; Mandarino, Pruett, & Fieldstone, 2016). In the Montreal Pilot Project, this opinion can best be understood as being typical of high conflict family relations and resulting from the fact that the duration of the intervention was far too short (40 hours) to effect significant change. As well, there is a tendency to project blame onto others or onto a program rather than accept personal responsibility.

Lessons learned and recommendations

In a final note, the researchers emphasize that with all the difficulties encountered, this pilot study should be seen as

a pioneering project that has helped to create a new model of psycho-legal intervention. This pilot project provides the opportunity to draw several lessons that could, in the future, help to achieve the full potential of parenting coordination, both for the families targeted and for the Quebec justice system.

While this project, in general, was enthusiastically received by the various stakeholders, various shortcomings were reported and deserve special attention, especially as they apply to any future program implementation:

- There is a need for establishing clear guidelines from the onset with regard to the roles to be assumed by each professional. Effective communication between the PCs, judges and lawyers is essential in order to ensure the fluidity and efficiency of the interventions undertaken.
- While inter-professional collaboration is a key ingredient in parenting coordination, the lack of clear guidelines seems to have contributed to insufficient collaboration between these various actors.
- The task of informing and aligning all actors on the importance of interdisciplinary collaboration proved to be a major challenge in this pilot project. The family crisis following separation is a complex human problem and an interdisciplinary approach seems to be the only way to offer the necessary and simultaneous judicial and psychosocial responses needed to deal with this situation.
- The method of selecting families that can benefit from these services is also an important issue to consider in the future. Therefore, it is important to clearly define and respect the inclusion/exclusion criteria.
- Having a single judge seized with each case has been found to be a key factor in ensuring the effectiveness of a parenting coordination intervention. This approach may also prove to be efficient as a cost-cutting and time-saving measure for the court system.
- The possibility of appealing to the judicial authority of the judge in the event of a deadlock or a misunderstanding by parents of the mandate of the PC is necessary, especially in the case of Quebec where the latter have no decision-making powers.

Recommendations⁵

The following recommendations are based on the aforementioned analysis and conclusions:

1. **That parenting coordination be included in the services available in the Quebec judicial system.**

5. The recommendations that are reported in this article have been adapted from their original French version as presented by the researchers in the final report submitted to the government (Cyr, Macé & Quigley, 2016).

2. **That this service be accessible** to families whose precarious financial situation makes it difficult to pay for services by making use of similar rules utilized to access Family Mediation or Legal Aid.
3. **That guidelines be established** with regard to the implementation of a parenting coordination service including provisions for the selection and training of PCs.
4. **Delineating the decision-making power of the PC** within the current legislative framework (Civil Code) by providing guidelines governing the conditions and modalities by which a PC could legitimately make recommendations to the judge seized with the file. This would increase the influence of the PC to help parents make decisions within a pre-defined framework agreed in advance by the latter.
5. **That a careful selection of families likely to benefit from parenting coordination be assured.** It is recommended that families referred for parenting coordination services be screened for certain characteristics and behaviours such as serious mental health issues or personality disorders.
6. **That a presiding judge remains seized with parenting coordination files.** Indeed, families who experience on-going and high levels of conflict require a judge who is knowledgeable in family law matters and a case management approach whereby families can be heard and disputed child-related matters resolved in a timely manner.

CONCLUSION

This article, as outlined in the introduction, has attempted to present the interdisciplinary model utilized in the implementation of a parental coordination project in Montreal, Canada, some highlights of the results of this pilot project and the recommendations that ensued. While this program was enthusiastically received by the various stakeholders, some shortcomings, as reported above, have been described and given special attention, especially as they apply to any future program implementation. One of the major recommendations focused on the need to establish a multidisciplinary committee to establish the rules and regulations that would oversee the practice of parenting coordination in Quebec. Clearly, this is an important step for any jurisdiction to undertake prior to implementing any PC program, be it in Quebec or Spain. With regard to our own jurisdiction, we are happy to report that in early 2016 a committee was created with representatives from the professional orders of social workers, psychologists, the bar association of Quebec, the AIFI and with individual members acting as experts in the field. Over the past two years, a final draft of parenting coordination guidelines adapted from the AFCC has been completed and has been approved

by the respective professional organizations. Presently, an effort is also being made to expand the mandate of this committee to include training requirements and accreditation procedures. Finally, several professionals with extensive experience in parenting coordination and family mediation developed, in Montreal, a basic and advanced parenting coordination training program (D'Abate, Filion & Morrone, 2016) that has so far provided training to nearly 30 professionals, some of whom are providing parenting coordination services to families referred by the court. It is our hope that the lessons learned from our pilot project and the subsequent actions undertaken by important stakeholders in our jurisdiction will inspire and provide some reflection, if not guidance, in any future PC program implementation in Spain.

As this article does not pretend to provide a comprehensive description of the research methodology and significant findings that resulted from the data analysis, it is suggested that the reader wishing to obtain more precise information, and discussion of the results, consult the original evaluation report that can be accessed online (Cyr, et al., 2016).

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