Getting Out of Dodge: When to Pull the Plug on Parenting Coordination Clients
Gary Direnfeld, MSW, RSW – www.yoursocialworker.com

This paper is based on the workshop by the same title, presented at the AFCC 49th annual convention in Chicago, June 2012. The workshop and survey questions on which they are based were developed as a collaborative effort between Siri Gottlieb, JD, LMSW, Gary Direnfeld, MSW, RSW and Christine A. Coates, J.D. The Honorable Mr. Justice George Czutrin sat as a panel member for the workshop, representing a judicial perspective.

The history of Parenting Coordination is brief. Christine Coates et al. summarize the emergence of Parenting Coordination in their 2004 paper:

In response to the frustration of judges that certain families were repeatedly returning to court to handle disputes about their parenting plans, a few courts began to delegate (with the consent of the parents) limited areas of authority over child custody issues to experienced mental health professionals and attorneys to settle parental disputes in an immediate, nonadversarial, court-sanctioned forum. The use of this new, quasi legal-mental health-ADR role that combined assessment, case management, mediation, and arbitration functions, began to spread and is now called Parenting Coordination generically across states and provinces. In addition, the role of the Parenting Coordinator (PC) has been increasingly specified and defined, with common standards of practice emerging across jurisdictions.\(^i\)

With respect to the efficacy of Parenting Coordination, the same writers found:

Although research is sorely lacking on the effectiveness of parenting coordination, there is evidence that the intervention can substantially reduce relitigation rates. In one California study, in the year prior to the appointment of a PC, 166 cases had 993 court appearances. The same 166 cases had 37 court appearances the year following the appointment.\(^ii\)

Henry, et al. found:

… a reduction of approximately 75% in child-related court filings, as well as a 40% decrease in other motions, resulting in a decrease of 50% in all motions filed, thus saving these once high-conflict couples, and the court, significant time and resources.\(^iii\)

This paper addresses the question of when a PC should terminate a case prior to the end of the PC’s term. In 2011, Fieldstone et al. reported on the first statewide study on parenting coordination in the US. On the matter of termination, their study found:

Respondents reported that relatively few of their cases were terminated early. Asked to estimate the percentage of cases that had terminated permanently for various reasons, 78% of respondents reported that 0–20% of cases had permanently terminated at the parties’ request. Ninety-six percent reported that 0–20% of their cases had been terminated at the court’s motion, and 76% reported that 0–20% of their cases had been terminated prematurely by the PCs themselves.\(^iv\)

While there is comment and agreement in the social science literature on the need to have a mechanism for termination and that termination should be contemplated as a term of service there is no literature on those factors leading to a PC’s determination to terminate a case early. To address this paucity of information about early termination, we developed a questionnaire to explore the factors PCs consider in arriving at the conclusion to withdraw from a case. The questionnaire was sent to all the PCs on the AFCC listserv.
So, what of those cases that are terminated early? Why are they terminated and how do practitioners go about the process of termination?

Survey says…

Of 50 respondents, 98% completed the 12-question survey. 62% identified themselves as mental health professionals and 28% as lawyers. Sixty percent of respondents had been practicing within their respective professions more than 20 years, and 84% had discontinued service at least once before the expired term.

When asked to detail the circumstances of early withdrawal, the respondents’ replies fell into three categories: Practitioner-related variables; client-related variables; and lawyer-related variables.

Practitioner variables overwhelmingly cited anxiety, countertransference and safety/intimidation. Anxiety symptoms included not sleeping at night, ruminating about the case, obsessing over a decision, and worrying about threats of reprisal (board complaints/lawsuits or threats to personal safety). Countertransference was evidenced by feelings of bias and/or anger toward the client(s). Safety issues were both personal and professional in nature, including direct threats of harm and professional complaints and lawsuits.

Client-related variables were predominantly related to non-compliance or failure to pay. Non-compliance included refusal to participate in the process and/or not following binding recommendations. Other concerns included fear of retaliatory behavior in reaction to directives issued by the PC which were contrary to the desire of the client. These might take the form of licensing board complaints, threats of lawsuits and non-compliance. Many PCs also resigned if one or both clients were intransigent and not making gains in the PC process.

Lawyer-related variables included lawyers fueling controversy; lawyers threatening legal reprisal; and lawyers returning to court unbeknownst to the PC.

Of those who terminated a case prior to the expiration of their term, the vast majority indicated they did so by way of letter or email, either to the parties, respective lawyers, the court, or a combination thereof. In addition to their notification of termination, several PCs offered closing reports to detail their involvement and in some cases, made a final recommendation. Depending on the legal nature of the case, some were required to make a request of the Judge to facilitate termination. A limited number of respondents indicated that they spoke directly with the clients about the decision to terminate prior to the end of the contractual term of service.
Eighty-five percent of respondents indicated that they have provisions in their service agreement specifying the protocol for termination. Those terms typically include the discretion of the PC, non-payment, at the request of both parties, or if the process is not achieving stated objectives.

There are times when an early termination is initiated by the client. Of those circumstances where a client has initiated termination through the Court, results have varied. Generally, the courts have held the clients accountable to the PC process, typically maintaining the appointed PC and at times with the appointment of a new PC. Where a client has initiated proceedings to remove a PC, a few PCs have terminated their own involvement, viewing the process as not working.

Many PCs attempt to save a case from early termination by conferring with the difficult client’s lawyer, with the hope that the lawyer will encourage appropriate participation on the part of the client. The lawyer may or may not include the PC in the discussion with the client. A few respondents suggested that where the behavior of the PC may have contributed to the upset of the disgruntled parent, the PC should offer an apology and not be afraid to do so. In other circumstances it was suggested that the PC hold individual sessions with the clients, at times throughout the PC process, whereby the PC can gauge response to service, hear complaints and coach the parties on how to better communicate/interact when necessary. Other suggestions included obtaining a peer consultation or even paradoxical interventions (suggesting the PC will terminate first, reminding the client of costs associated with Court intervention).

Many PCs reported that difficult cases intrude on sleep, create mood disturbances, and impair the ability to deliver service. As if this service weren’t difficult enough by virtue of client-related factors, it is also telling that several respondents commented on the role of the lawyer in the determination to terminate a case early. Lawyers were at times identified as non-compliant, threatening/intimidating and adversarial. One respondent stated:

<table>
<thead>
<tr>
<th>Practitioner Variables</th>
<th>Client Variables</th>
<th>Lawyer Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case needed a fresh look; Feeling negatively about a client; Fear of clients rage; Worn out; Could not bear to talk to client; Feeling miserable; Threats, violence; If the case feels like it is sucking the ectoplasm from my very soul.</td>
<td>Board complaint or threat; Refusal to cooperate; Non-compliance; Client not acting in good faith; Parents animosity towards me; Nonpayment; No progress; Personality disorder.</td>
<td>Fueling controversy; Threat of criminal charges; Adversarial attorney; Return to litigation.</td>
</tr>
</tbody>
</table>

When do you pull the plug on parenting coordination clients? It seems when one’s own counter-transference may interfere with the process, the client is non-compliant or simply out to get you one way or another, and/or the client’s lawyer behaves in a manner antithetical to the process.

1 Christine A. Coates; Robin Deutsch; Hon. Hugh Starnes; Matthew J. Sullivan; Bea Lisa Sydlik; Parenting Coordination For High-Conflict Families, Family Court Review, Vol. 42 No. 2. April 2004, 246-262. p 247
2 Ibid – p 247

Article edited by Siri Gottlieb, JD, LMSW