

Montreal Parenting Coordination Pilot Project

The Voice of the Child in Parenting Coordination: Views of Children, Parents and Parenting Coordinators



Francine Cyr, Ph.D.
Catherine Quigley, Ph.D. candidate
University of Montreal

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What we know about children of Divorce

- Parental separation inevitably triggers intense feelings in children
- Parental Conflict between parents best predictor of children's distress and poor adaptation
- Children benefit from having the support of a parent or other adult who explains what is going on and encourages them to speak up and share their emotions
- Treating children as competent individuals, capable of communicating their feelings about their parents' separation, enhances their resilience

Children's right to be heard

- Article 12 of the United Nations Convention for Rights of the Child (1989), ratified by Canada:

Paragraph 1: "States Parties shall assure to the **child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child**, the views of the child being given due weight in accordance with the age and maturity of the child."

Paragraph 2: "For this purpose, **the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child**, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."



Children’s right to be heard

- In Quebec, article 34 of the civil code:
 - “The court shall, in every application brought before it affecting the interest of a child, give the child an opportunity to be heard if his age and power of discernment permit it”. (C.c.Q., 1991, c. 64, a. 34.)

Different ways of hearing children

- Neither article 12 of the UN Convention nor does the Quebec civil code prescribe HOW the child should be heard.
- Many options: (Bala, 2013)
 - Child inclusive family mediation
 - Child custody evaluation
 - Counsel for the child
 - Testimony of the child in court
 - Meeting or interview with the judge
 - Parenting coordination
- Adequate child interviewing skills are necessary for any professional wanting to meet with children in this context (Birnbam, Bala, Cyr, & McColley, 2013)



Children’s voice in post-separation interventions

- Children do not want to be left in the dark in the aftermaths of separation (Kelly & Kisthardt, 2009)
- Children want to weigh in on their parents’ or the court’s decisions because they feel concerned by these choices that affect their future (see Birnbam & Saini, 2012; Birnbaum, Bala, & Cyr, 2011; Cashmore & Parkinson, 2008; Fotheringham, Dunbar, & Hensley, 2013; Cyr, Graham, Fitzgerald, & Phelps, 2009)
- Most children do not want to make the final decision and understand the difference between having a voice and making a choice (Cashmore & Parkinson, 2008; Birnbaum et al., 2011)



Children's voice in post-separation interventions

- When given a say in decision-making after separation they are more likely to consider the arrangements to be fair (Cashmore, Parkinson, & Single, 2005).
- In child-inclusive family mediation (vs child focus) psychological well-being of fathers and children was improved and agreements were more sustainable (McIntosh, Wells, Smyth, and Long 2008)

Parenting coordination 101
(APA, 2012; AFCC, 2006; Coates & al., 2008)

- ADR designed for high-conflict families having difficulties implementing court orders and parenting plans
- Intensive, solution-focused intervention
- Child-focused
- Hybrid intervention combining counselling, education, mediation and in some jurisdictions, decision enforcement (on minor issues)
- Length of intervention: usually 18-24 months
- Court-ordered

Parenting coordination 101

- Objectives:
 - Decrease litigation; resolve day-to-day issues outside of the courtroom (micro-management)
 - Lower conflict by using the Parenting Coordinator as a "functional link" (Sullivan, 2008;2013)
 - Indirectly increase child well-being

Parenting coordination in U.S. and Canada


- Practiced in over 30 states in the U.S. (Fidler 2012)
 - 11 have a specific legislative framework (Parenting Coordination Central, 2017)
 - Usually in private practice, but also some local initiatives (e.g. the DC project)
 - Very little research on PC's efficacy: 1) decrease in re-litigation rates 2: positive feedback for Family Law professionals
- Gaining popularity in Canada as well:
 - BC created a Parenting Coordination Roster Society in 2007;
 - First pilot project in Quebec started in 2012;
 - Contrary to other provinces in Canada, arbitration is not permitted in Quebec

Children's voice in Parenting Coordination

- Although PC is a child-centered intervention, children are rarely included in the process
- Meeting with children is usually left to PCs' discretion.
- Some argue that because parenting coordination involves high-conflict cases in which child adjustment may be jeopardized, it would be risky not to meet with the children (Barsky, 2011)

Children's voice in post-separation interventions

▪ **What about children's voice in high-conflict situations?**



- In Cashmore and Parkinson's study (2008), the higher the level of conflict between the parents, the more vocal children were about wanting to have a say.
- However, in Graham et al., (2009), some children reported that when parental conflict was too high, their participation was irrelevant because they felt there was nothing they could do or say to change the situation.

Parents' view of child participation in post-separation intervention

- **Cashmore and Parkinson's study in 2008 (n = 90 parents):**
 - Most of them are in favour of their children's views be taken into account in the decision-making process;
 - Some had concerns that children may get caught in loyalty conflict or manipulated;
 - The more contested the proceedings, the more likely they were to support child participation at a younger age.
- **Graham, Fitzgerald, and Phelp's study in 2009 (n = 27 parents):**
 - Most of them agreed on their children's right to have a say;
 - Parents experienced benefits from their child's participation;
 - Were concerned with the short amount of time allotted to the child, the follow up and the confidentiality of the process.

Children's participation parenting coordination

- Children are sometimes met by Parenting Coordinators, although practices vary widely
- Unexplored in research, topic rarely discussed in literature on parenting coordination
- One mention in the AFCC guidelines:

"The PC should have initial individual and/or joint interviews with the parties, and may want to interview the children if the PC has the appropriate training and skills. PCs may interview any individuals who provide services to the children as needed to assess the children's needs and wishes. [...]" (AFCC, 2006, p. 12)

Children's participation parenting coordination

- Survey of 24 PCs (Hayes, 2010):
 - Many concerns about including children:
 - Mostly on how to deal with confidentiality and what to share with parents
- Survey of 7 PCs (Hirsch, 2016):
 - 3/7 felt meetings with children were useful to process and recommended it
 - Goals of these meetings should be data-gathering

Children's participation in parenting coordination (Kelly, 2014)

- Help PCs to understand children's wishes and needs firsthand, not just via interpretation of parents' discourse (risk of distortion of children's need in high-conflict separation)
- Can be used to guide parents' decision-making and dispute-resolution processes
- PCs should evaluate the costs and benefits of meeting with children on a case-by-case basis

When not appropriate to meet the child?

- Children who are severely traumatized by violence or emotional abuse
- Children who are strongly opposed to meeting with a Parental Coordinator
- A parent who is opposed to the meeting
- The professional feels their training is insufficient (Kelly, 2014).

Children's participation parenting coordination (Kelly, 2014)

- Joan Kelly's experience as a PC meeting with children:

In my decades of experience [...] not one child or adolescent refused to come to an interview. Some came reluctantly, but once present and offered a supportive ear and a structured interview context, the vast majority of children were lively, informative, happy to be heard, and grateful to have their centrality acknowledged in the post-separation family. Furthermore, they were eager to have most, if not all, of their ideas and opinions conveyed to their parents in a sensitive feedback process.

**The Montreal parenting coordination pilot project
(2014-2016)**

- Large Partnerships
 - <http://www.justice.gouv.qc.ca/francais/publications/rapports/public-rap.htm>
 - AIFI (*International association of francophone professionals working with separated families*)
 - Judicial authorities, Chief Justice
 - Quebec Bar
 - Ministry of Justice of Quebec
 - Child Custody Evaluation Service, who coordinated the project

**The Montreal parenting coordination pilot project
(2014-2016)**


- 10 high conflict families
 - Had been separated/divorced for 5.7 years on average
- 40 hours of parenting coordination per family
 - Average length of intervention varied across families (from 6 to 18 months)
- All children were met by the PC, except if under 4 years-old or if the child refused:
 - Average number of meetings = 3
 - Average age of children: 12,5 years-old (SD = 2,7)


Methodology

- Semi-structured interviews :
 - With children (n = 10), parents (n = 14), PCs (n = 2)
- Thematic analysis
- Triangulation of responses across the three categories of participants

Children's perspective

- 8 out of 10 think that children whose parents are involved in parenting coordination should have the opportunity to meet with the PC at least once.




Children's perspective 

1) Because they feel the decisions made will affect them:

"I think it's important [to meet a PC] because we are a part of this. We are here after all."

"But it's also important to have the kids involved, because it's their lives that are being...[...] there may be choices that are made that need their opinions. You would be talking about something and you would need to know the kid's point of view."

Children's perspective 


2) Because they see themselves as key informers for the PC:

"So that he can know the third side, the overall view. Because [the PC] is not here [at the house]."

"Because he's got to know what the children want so he can fix the problems with the parents."

3) Because children sometimes need to say how they feel to someone who is not their parents:

"Because parents don't necessarily see everything...maybe they don't know all what we feel. So [the PC] asks all that."

Children's perspective 

4) Because they want to be informed of what is going on:

"I just want to hear everything, hear both sides. Hear both of their news."

"The children should know what is happening. So you should involve them a bit."

Children's perspective: Frequency of meetings

- Some of them felt they were not given sufficient space:
 - "I feel I haven't had time to say enough."*
 - "[The PC should see them] often. Because there might be another conflict. Something else he [the child] wants."*
 - "I would have liked to spend more time as a family with [the PC], so I could see [my family] more often."*

Children's perspective: Meeting the PC alone or with their siblings


- While some children preferred to meet the PC alone, others preferred to be with their siblings.
- Some children who didn't have the opportunity to meet with the PC alone felt frustrated.
 - "All of them together. They will feel more comfortable all together. [If you meet the PC alone] you think it is more serious. When you are with people that you know, you are more comfortable and you feel like expressing yourself more."*
 - "I would have liked to see him alone as well, because with [my siblings] well...They didn't necessarily have the same opinion as me."*

Children's perspective: Children with negative view of child participation

- These children (2) were frustrated with their family's experience in the pilot project.
- One saw it as a stressful experience, from which children should be spared as much as possible:

"The only time the children should come is if they are having a serious problem with a parent. But if the kids don't have problems with either parent, the kids shouldn't be involved. They should be pushed away so far from this. They shouldn't even know when the parents go to the meetings."

Parents' perspective

- A majority of parents (12/14) reported being in favour of child inclusion.
- The two parents who were more reluctant still allowed their children to meet with the PC.
- Few concerns were expressed regarding loyalty conflicts.
- Some parents may have an agenda in their child's participation 


Parents' perspective



1) Child inclusion allowed them to better understand their child's inner world:

"When there was a meeting with [the PC] and the children, it was good to see what their responses were. Sometimes, because it is such a conflicted situation, at home they don't want to talk about it. [...] And then, the honesty of what came out and what was really bothering them. I saw a different side and I got to understand a few things that I did not know."

"Because he is a third party, he is able to tell us together: 'Your kids are telling me this'. And that is pretty powerful."


Parents' perspective 


2) Allowed children to give the PC relevant information about the family (data-gathering, helps PC get better understanding):

"I don't feel it changed much [the meeting with the children], but maybe it allowed him to have a better idea...[...] Maybe he saw things I didn't think of."

"It you are not ready to take what someone has told you as proof, then take it from the child. See if the child has seen it. Let the child tell you. This is my opinion."

"At some point, I was tired of being accused [...]. S^Aid: 'Look, you will meet the children and you will ask them all the questions you want.' For that, it was useful."




Parents' perspective 

3) It provided a safe space for feelings to be shared with a neutral person:

"There is so much emotion and anger. It was good for them to be able to feel comfortable enough to talk about it with someone who is not me or not my ex."

"I just know that [my children] thought that they were able to express their feelings, and they were very honest, which was good."

Parents' perspective 

4) Allowed children to give their opinion and feel like they mattered (empowerment):

"I think it was good [that the children met with the PC] and I think it was important for them to be involved in this case, so they don't feel removed from the situation because at some point they have their choices to make. [...] They have to understand what those decisions mean."

"[The PC] has to understand and hear their points of view. [...] I think it's great that he met the kids and heard what they think."

Parents' perspective: Children didn't have enough of a voice

■ **Many parents felt meetings with the children didn't occur regularly enough:**

"I don't think that my child really had a lot of voice. I understand that it is for us to work together, but at his age, he already has a lot to say and a fairly strong opinion about what is best for him. [...] I think it would have helped him to feel more empowered and also it would have helped both of us to have a more accurate view about what his needs and desires are if it were going directly through [the PC]. [...] I think once every two or three months [would have been good]."

"The PC needs to meet with them, but more than once and for more than 30 or 45 minutes. [...] You can't create a good rapport in only one half-hour session."

Parents' perspective: Children didn't have enough of a voice

"The meetings with the child were not sufficient. I mean, I imagine the meetings themselves were good, I wasn't present. But it did give us some positive results. I would have liked to see more results coming from this tool."

"I would have preferred [the PC] to meet the kids more often. [...] Because they wanted to talk to him. After the first meeting they had, they kept asking me: "When are we going to go see him again? We really enjoyed it. We really want to talk to him again."

The PC's perspective

- Felt it was helpful in all cases where children were met
- Was helpful :
 - To know the child's needs and wishes
 - To get a sense of the impacts of the current situation on the children; degree of loyalty conflict
 - To discuss specific issues concerning a child
 - To respect the child's desire to be heard
 - To notice if the child's discourse was copied on one of the parent's
 - To understand better the child's relation with their parents
 - To be in a better position to share with parents what their child's needs are and foster child's best interest

The PC's approach

- Role, method and techniques, sharing of information with parents, benefits of child inclusion, caution and potential pitfalls when meeting the child
- Solution-focused Approach (Berg, 1994; De Shazer & Berg, 1997)
 - Miracle question
- Family narratives
- Open-ended questions
- Discussing confidentiality. What will be shared or not

**PC's perspective:
What the PC role is and is not**

"You're not here to offer services to the child, no. You're here to offer services to the parents. And through the parents, you will help the child."

"Are we counsel for the child? Are we protectors of the child? You're not here as Youth Protection. [...] That's tricky though, because someone needs to be there to work with those children and make sure there is no abuse. But the PC can't do that. Because you see them maybe every six months [...] Home visits? You can't do that. But it's an expectation..."

**PC's perspective:
Sharing information with parents**

- Important to choose carefully what you say:

"I would never tell parents things that will make the situation worse for the children."

"You've got to make sure you're not going to put the child in a difficult position."

"I will decide what I will share with them [the parents]. You have to be discerning about what you will say"

**PC's perspective:
More on the benefits of including children**

"The children's well-being improved, evolved, in the sense that first, they got to be heard. It was not an expert [child-custody expert], it was someone else. [...] I think that the fact that they had that chance [to be heard] gave them a bit of hope."

"Sometimes, parents will listen to the children, if they have the chance, more than to anyone else."

"Last time I mentioned to parents what the children wanted, after meeting with them, they said: 'That's incredible'. They said [they were not quite expecting this], because no one else had spoken with the children."

"I find that children – and this is not only in parenting coordination but in all interventions – are very creative. They can give us interesting leads."

PC's perspective: Caution and pitfalls when involving children

- Important to discuss the notion of confidentiality with the child
 - High risk of losing the child's trust at stake
- Need to be vigilant not to put the child in a difficult position

"I want them to know I am here with them, and that I am not here to pit their parents against one another."

- Leading meeting so they are not experienced like an investigation

"You need to be really careful not to put them in a position where they see you as an investigator and where they feel they need to give you the right answer."

PC's perspective: Situations that made child inclusion more difficult

- Parental alienation
 - Strong alliance with one parent
 - Children might react strongly if they feel they see the "favoured" parent in a different way that the PC does.
- Past traumas

In short:

- Children, parents and PCs perceptions regarding child inclusion in PC is mainly positive
- PCs in this pilot found child inclusion helpful
 - Needs to be done with caution
- Even though conflict is high, most children want to have a say in Parenting Coordination
- Findings that are consistent with previous research on child inclusion in other post-separation interventions
- Need more study with larger sample to corroborate these findings

Recommandations

- Important to respect the child’s preference to be met alone or with siblings
- It could be appropriate to hold more that one meeting with the child, especially if the issues at stake concern him directly

Recommandations

- Caution: some parents might have an agenda
- A different approach might be needed in cases when a child is estranged from a parent
- Need for more training of PCs on child interviewing

Limitations

- Small sample, limited to the participants on one pilot project
 - Can not be generalized as representative of the experience of all children, parents and PCs
- Only 2 PCs in the study:
 - Limited variability of experience
 - Favorable to child inclusion prior to the start of the pilot project.

Conclusion

- Need for more research on PCs’ practices regarding child inclusion will be necessary to develop guidelines for best practice and to ensure safer child participation.
- Children’s input on their participation is also needed

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