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Special Advocate and Parenting Coordinator: Merging Old and New Concepts

In response to the demand for efficient resolution of divorce conflicts, the Colorado courts have increasingly turned to the use of Special Advocates to assist them in making decisions. In addition, mental health professionals are increasing their role in ongoing divorce related conflict through the emerging role of parenting coordinator. While new titles, both of these concepts have their roots in traditional services for this most difficult population. In the early nineties, custody evaluators experimented with the concept of “mini-evaluations”. The idea was to get evaluators involved early in the process of divorce conflict. The hope was, and remains, that we resolve interparental conflict quickly in order to protect children and keep families away from the ongoing, entrenched conflict of emotional impasse. I have been using the term emotional impasse to describe the process by which high conflict divorce is maintained. Around the same time, the role of parenting coordinator emerged in order to provide an efficient mechanism for conflict containment in such conflict driven families as those involved in emotional impasse.

As judges have increasingly designated Special Advocates early in the divorce process. It is becoming evident that complex family interactions cannot always be properly understood in order to render the courts an authoritative opinion. As with the “mini-evaluations” of the early nineties, we are learning that no one mechanism of intervention is going to resolve conflict for every family. In fact, Special Advocates have recently been recommending full custody evaluations in situations where they are unable to determine with a reasonable level of confidence a proper understanding of a family system necessary to provide the courts with recommendations. The promise of the special advocate role must be understood to have inherent limits. In short, certain conflict driven families may need a full assessment then again they may not. For example, a more involved father in an early separation family is often difficult to understand in terms of his future role in the family system. Similarly, a high functioning mother who is angry with her spouse for whatever reasons may present a coherent but limited picture of family functioning. It is in these types of environments that the special advocate role has its limits. Recently as a Special Advocate I was asked to contact past teachers, evaluators and physicians involved with a child in a family involving post decree conflict. Defining the scope of the Special Advocate role often expands the process to an environment quite closely mimicking the various components of a custody evaluation.

The role of parenting coordinator has similar problems with role diffusion. A colleague recently informed me that he uses mediation/arbitration techniques when functioning in the role of parenting coordinator. Others may attempt a less formalized mediation effort prior to rendering an arbitration decision. Finally, as it stands now Parenting Coordinator can provide parenting plan recommendations early in the separation process or be used to manage conflict post decree.

These comments should not be taken to mean that the roles of special advocate and parenting coordinator are inefficient or should be abandoned. There are a welcome addition to the growing arsenal of specified roles for lawyers and mental health professionals in families with divorce conflict. We should keep in mind however that complex family interactions often need to be understood over time and in a larger context. We also need to keep in mind that the role of parenting coordinator is not a panacea for conflict driven families. What would help is definition of roles I proposed the following. We should view the role of Special Advocate as investigative divorce related for cases involving problems early in the separation process. This would allow judges the opportunity to benefit from a rapid assessment of a family, the family an opportunity to gain feedback about their functioning and mental health professionals the defined task of "testing" whether or not early conflict resolution is possible. The Parenting Coordinator role should be restricted to post decree matters as an alternative dispute resolution mechanism. Guardian Ad Litem should be used to make pre-final orders recommendations on any changes in the temporary orders parenting plan.

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