

## Alternative Dispute Resolution Approaches for Separating and Divorcing Families



ADR Approaches	Description	When to Use	Role of the Service Provider
<p>Brief Conflict Intervention: AB Justice – Family Justice Services</p>	<p>10-hour solution-focused intervention where there is a blend of clinical intervention, education and mediation.</p>	<p>When families are in moderate to high conflict and are involved in family court services</p> <p>When there is a Parenting Contact Order Claim filed in Provincial Court</p> <p>When there is a child under the age of 6 involved</p> <p>No child welfare involvement</p> <p>Parents have already been to Mediation and agree to attend a blended process</p>	<p>The provider has clinical and mediation training</p> <p>The provider provides education, clinical intervention, and a mediation process to assist parents to create a parenting plan.</p> <p>The provider identifies impasse issues, helps parents focus on future parenting, uses parent strengths to solve problems and facilitates parenting plans.</p> <p>A written report is provided regarding progress and agreements reached – no recommendations are identified</p>
<p>Family Mediation</p>	<p>Voluntary involvement is necessary by both parents– if government program – the time allotted per family may be limited.</p>	<p>When there is no to moderately high conflict</p> <p>When legal counsel would like the parties to work on a parenting plan at the same time as dealing</p>	<p>To maintain neutrality and provide the parents with a managed mediation process.</p> <p>The Mediator has formal mediation training</p>

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Family Mediation-Continued	Parties work on issues related to parenting plans, mobility and/or division of property, debt and assets	<p>same time as working on financial settlement issues.</p> <p>When a therapist, arbitrator or legal counsel recommend parents enter into parenting discussions with a mediator with a specialization in child related issues</p> <p>When the parties have a specific impasse issue and need a mediator to assist them to come up with a resolution</p> <p>When an agreement is in place, but changes have occurred and the parties need to adjust their agreements</p>	<p>To identify parties that may need to be involved in the process such as lawyers, child specialists etc.</p> <p>Provide a written mediation report to the parties and/or their legal counsel</p> <p>Mediators may request to interview children of the family</p>
Dispute Resolution Officer	Short-term negotiation session(s) with a senior Family Law Lawyer for parties seeking an application in Court of Queen's Bench	<p>Parties can be in low to high conflict to use this service</p> <p>Parties attend DRO meetings prior to being heard in court.</p> <p>The process may assist parties to make agreements prior to seeing a Judge</p> <p>Parties may wish to vary an order and use this service to manage those changes</p>	<p>Family Law Lawyer led process</p> <p>Hear parties' points of view and provide legal information that may aid the parties in their decision-making</p> <p>Help parties negotiate changes or legal requests being made</p> <p>Assist parties via preparing Consent Orders and/or agreements</p>

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<p>Family Law Practice Note 7: Use of Independent Experts</p> <p>*Court-directed Parental Conflict Intervention</p> <p>*Court appointed Independent Experts</p>	<p>Practice Note 7 provides a family law sensitive procedure to work in conjunction with Rule 218. Intended for use in a minority of difficult disputes</p> <p>The court can appoint registered Psychologists or Clinical Social Workers in family law proceedings where child custody or child access is an issue. The appointed professionals report directly to the Court and give opinions and recommendations regarding best interest of the child criteria.</p> <p>This is a 10-hour Court-directed parental conflict intervention program where there is a case management Judge. After 10 hours intervention (or before) the professional will give feedback regarding</p>	<p>The Court will decide when and if to access this service.</p> <p>The intervention is typically useful when parents have been in conflict over 2 years and have been continually returning to the Court for direction and intervention.</p> <p>The parties assigned to this intervention are typically in high conflict and are experiencing divorce impasse</p>	<p><i>Parental Conflict Intervention Role will include:</i></p> <p>Meet with parents and/ or children and identify issues that increase conflict and interfere with resolution.</p> <p>Assist parties to negotiate potential resolutions</p> <p>Provide education and clinical interventions where appropriate</p> <p>Identify what special services the family may need</p> <p>Assess relevant issues presented and provide recommendations in a written letter format and provide the letter to the case management Judge and to the parties through the parties' legal counsel</p> <p>Best interests of the child criteria will be used as a guideline</p>

	<p>progress, agreements and impasse related issues. If the family was not able to come to some agreement during the 10 hours, the Court will move to the next process and Appoint an Independent Expert. This person may be requested by the court to conduct psychological testing, home study, assessment of a specific issue, recommendations, parenting assessment, or another investigation of a specific issue</p>		<p><i>Independent Expert:</i></p> <p>This person will be assigned to the family after the Court Directed Parental Conflict Intervention is complete. (This is a new person and not the CDPCI professional)</p> <p>This expert will provide the Court with information and recommendations related to specific assessment and/or information related to an investigation of a matter directed by the Court.</p> <p>The expert will provide a report/letter to the Court (as directed by the Court)</p> <p>The expert will use best interests of the child criteria when intervening /assessing</p>
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Parenting Coordinator	<p>Parenting Coordination is a child-focused ADR process in which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan.</p> <p>The Parenting Coordination is a structured, mental health, ADR process that combines assessment, education, case management, conflict management and sometimes decision-making functions.</p>	<p>This service is for families in high conflict post separation and divorce. Parents are referred or enter into a Consent Order with legal counsel to attend this process. They have demonstrated a long-term inability or unwillingness to make parenting decisions on their own, to comply with parenting agreements and orders, to reduce their child-related conflicts and to protect their children from the impact of that conflict.</p> <p>The Parenting Coordinator can be recommended and, later may be responsible to the Court.</p> <p>Parents can enter into an agreement with a Parenting Coordinator, but the agreement details would be best outlined in a Consent Order as well.</p>	<p>The Provider must have the following combination of expertise: Master's Degree in a mental health field, licensed in their area, trained Registered or Certified Mediator, trained in working with high conflict separation and divorce, trained in parenting coordination, trained in working with domestic violence and child maltreatment.</p> <p>The roles include: Facilitation, education, consultation, assessment, conflict management, decision-making (as directed by the court).</p> <p>In cases of domestic violence, the role of the PC may change to an enforcement role (if directed by the Court Order).</p> <p>PC's will use their negotiation and mediation training to diminish conflict and to work to minimize power imbalances</p>

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Assessments completed by mental health professionals may be required	A Range of Assessments may be ordered by the Court or requested by the parties	Each assessment has a specific focus and provides information that answers a particular question	The assessor will have a Master's degree in a mental health field, be trained in separation and divorce issues, domestic violence, and have knowledge about the legal processes related to separation and divorce. The assessor should also have training in child development and family dynamics.
<b>Types of Assessments</b>			
<i>Bilateral Custody/Access Assessments</i>	This assessment is often recommended for families who have been in high conflict related to custody and access. A neutral assessor will assess each parent and their overall functioning, interview and observe children in their parent's care and individually, speak to collateral contacts, and basically provide an overall picture of the post-separation family functioning	High conflict families where specific recommendations for custody/access are necessary.  This service may be offered in conjunction with (or be completed prior to) PC assignment. If an assessment was not completed prior to PC involvement, Arbitration may be another approach used to reach a final conclusion rather	Roles include:  Interview each parent and complete psychological testing of each parent  Observe each parent with the children (in home and in office)  Interview the children and Observe children together  Speak to collateral contacts – teachers,

		that proceeding to full assessment.	<p>family members etc.</p> <p>Identify attachment organization between each child and parent</p> <p>Provide a written, formal report outlining recommendations for future access and functioning (use Best Interests criteria)</p>	
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<i>Child Assessment</i>	This assessment focuses primarily on the children. The parents will be interviewed, but the primary interest is in providing a psychological/emotional profile of each child and to identify their specific needs, concerns, worries and requests. Some psychological testing may be indicated.	Child Assessments can be completed for children from low to very highly conflicted families  If the Court, the family or another 3 <sup>rd</sup> party believes that the children's interests have not been adequately represented – this assessment is often recommended	Roles include:  Interviewing each parent  Interviewing each child  Observing each child with their parent (when requested)  Engaging in play-based and/or psychological assessment protocols (depending on ages of the children)  Use “Best Interests” criteria for providing feedback  Provide a report with accompanying child-focused recommendations.
<i>Parenting Assessment</i>	This assessment focuses on parent functioning – both individually and together. Factors related to parent satisfaction, matching between each child and parent, parent mental health, parenting strategies and ability, and general vulnerabilities and strengths will be evaluated	This assessment is often requested for families where there is question regarding the parenting abilities of one or both parents.  Conflict can be low-high	Roles Include: Interview each parent individually  Provide Standardized testing of both parents  Observe each parent with their children (in office and in home)  Contact Collaterals Provide a written report with recommendations related to parenting



