

2010 GUIDELINES
Qualifications for Appointment and Training of
Parenting Coordinators, Custody Evaluators, and
Parenting Time Supervisors

INTRODUCTION

The State Family Law Advisory Committee (SFLAC) in 2009 approved the revision of the former 2004 Guidelines, and this foreword was added in 2010 to further explain the intent of the revisions. These 2010 Guidelines reflect a broad, general perspective of the designated services, and should be customized for the particular needs and resources of each jurisdiction. They were developed in the interest of quality assurance and consumer protection, while building in the maximum flexibility for individual courts. These guidelines are aspirational and represent the current national standards, while recognizing the necessity and importance of judicial discretion in selection and appointment

These Guidelines are based on national trends and research about these roles. Decades of research substantiate the importance of maintaining positive parental and family interactions while reducing conflict and harm, and the need for some families to have specialized help. Our state has already developed and revised standards for other court-connected roles, such as family mediators. Families facing divorce, separation, and parenting disputes are complex and vulnerable, therefore it logically and ethically follows that PCs, CEs, and PTSs, who are often in a more powerful position with clients than mediators, should have similar expectations of adequate and evolving guidelines applied to these roles. The Guidelines approved by the SFLAC are offered as a response to the diversity and evolution of these helping roles in determining and maintaining the best interests of children.

Our current statute (ORS 107.425) does not define these roles, so it is necessary to clarify them. The revisions reflected in the 2010 version primarily involve increasing training requirements, adding a requirement of licensure for some roles, and clarifying the scope of the practice of each role. This helps ensure more accountability from providers, and provides better assurance that providers have the necessary background for these roles.

Over the years the roles have developed and changed, and more training opportunities have become available within the state and nationally for those who seek to meet the Guidelines. While the 2010 Guidelines reflect current national standards, they also continue to provide for waivers and accommodations for any particular court or area, when practitioners cannot be found who meet all the recommendations for training and experience. The Guidelines refer to professional roles and services, recognizing that nonprofessionals may be warranted or required for a particular family circumstance. With respect to parenting time supervisors, the guidelines are not applicable when para-professionals, friends, or family members are utilized as chaperones.

It is strongly suggested that jurisdictions establish an evaluation feedback process, to determine how well the Guidelines and roles serve the intended purposes. This will assure continued competency, responsiveness, and accountability. Local Family Law Advisory Committees (LFLACs) may be able to develop affordable alternatives within a jurisdiction.

SFLAC continues to welcome comments and feedback concerning the Guidelines from service providers, courts, attorneys, and families.

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PARENTING COORDINATORS (PC)

- 1.1 **BASIC QUALIFICATIONS:** Except as provided in paragraph 1.6 below, PCs should have the following qualifications:
- a. **EDUCATION:** A master's or doctoral degree from an accredited college or university in law, psychiatry, psychology, counseling, marriage and family therapy, mental health, or social work,
- AND
- b. **LICENSURE:** A current and active professional Oregon license in good standing in the area of law, psychiatry, psychology, counseling, marriage and family therapy, mental health, or social work,
- AND
- c. **TRAINING:** Have, or acquire within twelve (12) months of assuming the PC role, training or education in all of the following:
1. Specific, formalized training in the role of parenting coordination
 2. Substance abuse, including identification, treatment, and recovery
 3. Conflict resolution and theory, including mediation skills and collaborative processes
 4. Child development and psychology
 5. Divorce and separation adjustment, including high conflict families and co-parenting strategies
 6. Basic knowledge of child and adult psychopathology
 7. Family dynamics and family systems theory
 8. Parenting education models and techniques
 9. Domestic violence issues and concerns, including safety protocols
 10. Cultural sensitivity and awareness of the needs of minority populations
 11. Domestic relations law
 12. Ethical standards, including confidentiality, dual roles, boundaries, and objectivity
 13. Training substantially comparable to that set forth in Section 3.3 of the Oregon Judicial Department Court-Connected Mediator Qualifications Rules, effective August 1, 2005 (or as thereafter amended), entitled "Domestic Relations Custody and Parenting Mediation Curriculum."
- 1.2 **INITIAL SUPERVISION:** The PC should obtain peer or formal supervision from an experienced parent coordinator for at least the initial five parent coordination cases. An experienced parent coordinator should have a minimum of 25 cases or 250 hours of parent coordination work.
- 1.3 **ONGOING SUPERVISION:** The PC should also take continuing education classes and have peer supervision relevant to the role of parenting coordination.

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- 1.4 FULL DISCLOSURE: The PC should inform the court and the prospective clients prior to starting PC services regarding 1) the ethics and standards that cover their practice due to their licensure, as well as those adopted voluntarily by the PC, and 2) the scope and limits to their role and function as a PC.
- 1.5 SINGLE ROLE: A parent coordinator should not function in or assume a dual role with any of the parties involved in parent coordination.
- 1.6 WAIVER: A court may waive the qualifications set forth in these Guidelines for good cause. It is strongly encouraged that, where qualifications are waived, the PC be required to certify to the court that s/he will provide PC services based upon a generally recognized set of standards of practice identified and provided to the court and his/her clients and will seek continuing education classes, training, and peer supervision relevant to the role of parenting coordination.
- 1.7 REVIEW OF NATIONAL STANDARDS: The Association of Family and Conciliation Courts (www.afccnet.org) has published Guidelines for Parenting Coordination, currently dated May 2005. The SFLAC urges courts that are establishing guidelines, qualifications, or standards of practice for PCs to consult this professional publication and others for further details and updates.
- 1.8 EXCEPTIONS TO ROLE: **These guidelines encompass the general understanding that a parenting coordinator does not function as an arbitrator.** To the extent the PC is an arbitrator and renders binding decisions without judicial review, s/he should have the qualifications and authority of an arbitrator as defined in Chapter 13 of the Uniform Trial Court Rules and Oregon Revised Statutes 36.400-36.425.

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CUSTODY EVALUATORS (CE)

- 2.1 **BASIC QUALIFICATIONS:** Except as provided in paragraph 2.6 below, CEs should have the following qualifications:
- a. **EDUCATION:** A master's or doctoral degree from an accredited college or university in psychiatry, psychology, counseling, marriage and family therapy, mental health, or social work,

AND

 - b. **LICENSURE:** A current and active professional Oregon license in good standing in the area of psychiatry, psychology, counseling, marriage and family therapy, mental health, or social work,

AND

 - c. **TRAINING:** Have or acquire within twelve (12) months of assuming the CE role, training or education in all of the following:
 - 1. Specific, formalized training in the role of child custody evaluation
 - 2. Substance abuse, including identification, treatment and recovery
 - 3. Conflict resolution and theory, including mediation skills and collaborative processes
 - 4. Child development and psychology
 - 5. Divorce and separation adjustment, including high conflict families and co-parenting strategies
 - 6. Basic knowledge of child and adult psychopathology
 - 7. Family dynamics and family systems theory
 - 8. Parenting education models and techniques
 - 9. Domestic violence issues and concerns, including danger assessment and safety protocols
 - 10. Cultural sensitivity and awareness of the needs of minority populations
 - 11. Domestic relations law
 - 12. Ethical standards, including confidentiality, boundaries and dual roles, and objectivity
 - 13. Provision of expert witness testimony
 - 14. Forensic interviewing and observation techniques, including protocols for conducting home visits and interviewing children
 - 15. Construction and implementation of parenting time plans
 - 16. Current professional and national standards for use of reliable and valid standardized tests and instruments specific to the assessment of custody and parenting time disputes
- 2.2 **INITIAL SUPERVISION:** The CE should obtain peer or formal supervision from an experienced child custody evaluator for at least the first five custody evaluations completed. An experienced child custody evaluator should have a minimum of 500 hours of custody evaluation work.

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- 2.3 **ONGOING SUPERVISION:** The CE should also take continuing education classes and have peer supervision relevant to the role of child custody evaluation, as listed above.
- 2.4 **FULL DISCLOSURE:** The CE should inform the court and the prospective clients prior to starting CE services regarding 1) the ethics and standards that cover their practice due to their licensure, as well as those adopted voluntarily by the CE, and 2) the scope and limits to their role and function as a CE.
- 2.5 **SINGLE ROLE:** A custody evaluator should not function in or assume a dual role with any of the parties in the evaluation.
- 2.6 **WAIVER:** A court may waive the qualifications set forth in these Guidelines for good cause. It is strongly encouraged that, where qualifications are waived, the CE be required to certify to the court that s/he will provide CE services based upon a generally recognized set of standards of practice and provided a copy of those standards to the court and to his/her clients, and will seek continuing education classes, training and peer supervision relevant to the role of custody evaluator, as listed above.
- 2.7 **REVIEW OF NATIONAL STANDARDS:** The Association of Family and Conciliation Courts (www.afccnet.org) has published guidelines and standards for Custody Evaluation (currently dated May 2006). The SFLAC urges courts that are establishing guidelines, qualifications, or standards of practice for CEs to consult this professional publication and others for further details and updates.

PARENTING TIME SUPERVISORS (PTS)
(Supervised Visitation Providers)

3.1 **BASIC QUALIFICATIONS**

a. **EDUCATION:** Either one of the following:

1. A master's or doctoral degree from an accredited college or university in law, psychiatry, psychology, counseling, marriage and family therapy, mental health, or social work,

OR

2. A bachelor's degree in a behavioral science related to family relationships, child development, or conflict resolution, with coursework in a behavioral science, and at least seven years full-time equivalent post-bachelor's experience in providing social work, mental health, or conflict resolution services to families.

AND

b. **TRAINING:** Have, or acquire within twelve (12) months of assuming the PTS role, training or education in all of the following:

1. Specific, formalized training in the role of supervising parenting time
2. Substance abuse, including identification and detection skills and knowledge of treatment and recovery

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3. Conflict resolution and theory, including mediation skills and collaborative processes
 4. Child development and psychology
 5. Divorce and separation adjustment, including high conflict families and co-parenting strategies
 6. Basic knowledge of child and adult psychopathology
 7. Family dynamics and family systems theory
 8. Parenting education models and techniques
 9. Domestic violence issues and concerns, including safety protocols
 10. Cultural sensitivity and awareness of the needs of minority populations
 11. Domestic relations legal process
 12. Ethical standards, including confidentiality, dual roles, boundaries and objectivity
 13. Assertiveness and interventions to prevent physical or emotional harm to de-escalate conflict
 14. Expert witness skill and training
 15. Family violence, including physical, emotional, and sexual abuse
 16. Observation skills and documentation
 17. Effective verbal and written communication, including reflective listening and providing feedback
 18. Assessing and maintaining physical, emotional and psychological safety and comfort of the child, the adults, and the PTS.
- 3.2 INITIAL SUPERVISION: The PTS should obtain peer or formal supervision from an experienced PTS for at least the initial five cases. An experienced PTS should meet or exceed the criteria listed in these guidelines.
- 3.3 ONGOING SUPERVISION: The PTS should also take continuing education classes and have peer supervision relevant to the role of supervising parenting time.
- 3.4 FULL DISCLOSURE: The PTS should inform the court and the prospective clients prior to starting PTS services regarding 1) the ethics and standards that cover their practice, as well as those adopted voluntarily by the PTS, and 2) the scope and limits to their role and function as a PTS.
- 3.5 SINGLE ROLE: A PTS should not function in or assume a dual role with any of the parties involved in supervision of parenting time.
- 3.6 WAIVER: A court may waive the qualifications set forth in these Guidelines for good cause. It is strongly encouraged that, where qualifications are waived, the PTS be required to certify to the court that s/he will provide PTS services based upon a generally recognized set of standards of practice identified and provided to the court and his/her clients, and will seek continuing education classes, training, and peer supervision relevant to the role of supervising parenting time.
- 3.7 REVIEW OF NATIONAL STANDARDS: The Supervised Visitation Network (<http://www.svnetwork.net/>) has published guidelines and standards for PTS practice (the current version dated July 2006, is in a revision process). The SFLAC urges courts that are establishing guidelines, qualifications, or standards of practice for PTS practice to consult this professional publication and others for further details.

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- 3.8 **ADDITIONAL TRAINING FOR THERAPEUTIC PTS PRACTICE:** The Supervised Visitation Network guidelines define therapeutic supervision as: “conjoint parent-child therapy conducted by a licensed or certified mental health professional also trained to provide supervised visitation. This includes a student or intern in training for a post-graduate degree under the direct supervision of a licensed or certified mental health professional.” A PTS who is providing therapeutic supervision under this definition should have a Master’s degree and clinical experience working with families, and also have additional training and expertise in working with the diagnosis, behavior and treatment of mental health, child abuse, and substance abuse.
- 3.9 **BUSINESS REQUIREMENTS:** To the extent that the PTS is associated with a formal program, nonprofit or other business entity, that program should have a foundational mission statement and set of procedures or rules that address the safety and security of children, adults, and the PTS. Whoever is providing supervision to staff or volunteers should have or exceed the above criteria for providing PTS. The policies and procedures should address at least the following:
- Intake or orientation interview with parents or guardians to assess family needs and suitability of program for each family
 - Taking family histories
 - Scheduling visits
 - Fees/costs
 - Documentation and record keeping, including during PTS visits
 - Court-related matters, including PTS testimony
 - Prohibited and allowed behaviors
 - Extent of consultation with other professionals as needed or requested by the PTS, and use of a specific Release of Information authorization
 - Feedback sessions for noncustodial parents
 - Liability insurance coverage

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HISTORY OF REVISIONS

In 2001, the 71st Oregon Legislative Assembly passed Senate Bill 167 modifying ORS 107.425 to provide for the appointment by the court of individuals, or panels of individuals, to assist the court and/or parents in resolving disputes regarding parenting time and in creating and implementing parenting plans.

SB 167 provided that the presiding judge of each judicial district would establish qualifications for the appointment and training of individuals and panels and the designation of programs under ORS 107.425. *“In establishing qualifications, a presiding judge shall take into consideration any guidelines recommended by the statewide family law advisory committee.”* (ORS 107.425(3)(d))

The SFLAC appointed a work group to research existing national guidelines and make recommendations for qualifications and training in three areas of services:

- parent coordination (PC)
- custody evaluation (CE)
- supervised parenting time (PTS)

The first set of Guidelines was approved and made available on September 10, 2004.

In 2008, the SFLAC voted to reappoint the work group to consider whether the Guidelines should be updated and revised, based on concerns brought to their attention.

The work group was reconvened and renamed “**SFLAC Qualifications and Guidelines Subcommittee**”, and was again chaired by Dr. Edward Vien (licensed psychologist, Portland). Members of the committee included Leah Baer (supervised parenting time provider, Portland), Dave Hakanson (mediator, Bend), Judith Swinney (attorney, parent educator, supervised parenting time provider, Portland), Alison Taylor (Executive Director, Oregon Family Institute and parent coordinator), Lauren MacNeill (Director, Clackamas Co. Family Court Services), Janice Ashe (Manager, Multnomah Co. Family Court Services), Melissa Schuler (supervised parenting time provider, Portland), Lisa Carr (Custody Evaluator, Salem), Mark Troseth (Public Member, Oregon Board of Licensed Clinical Social Workers), Chiquita Rollins (Coordinator, Multnomah Co. Domestic Violence Council), and staff from Oregon Judicial Department, Family Law Staff Counsel, Salem.

The Subcommittee submitted its recommendations for revised qualifications and guidelines to SFLAC on June 5, 2009, and SFLAC at their December 2009 meeting approved and recommended that these revisions should be approved and distributed. Based on comments received, the group revised the introduction in February 2010, and reported back to SFLAC in March 2010. Additional language was added to the introduction, and SFLAC referred the Guidelines and their new introduction to Kingsley Click, State Court Administrator, and to the Chief Justice. The 2010 Guidelines were approved on April 15, 2010.