

Parenting Consulting in Minnesota

Andrea Niemi • Andrea Niemi Dispute Resolution • Minneapolis
Jennifer E. Joseph • Custody and Parenting Time Resolution • Saint Paul

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What Is Parenting Consulting in Minnesota?

- Parenting consulting is a child-focused alternative dispute resolution (ADR) process.
- A Parenting Consultant (PC) is an ADR professional with mediation training and experience who works with high-conflict parents to resolve child related disputes by:
 - Facilitating resolution in a timely manner
 - Educating parents about children's needs
 - Coaching parents to develop an effective co-parenting relationship
 - Facilitating agreements between parents when possible
 - Making decisions when necessary, within the scope of the stipulation and order appointing the Parenting Consultant.

How to Appoint a PC

Both parties must agree to the appointment of a Parenting Consultant. A stipulation and order is then submitted to the court. The stipulation and order should clearly define the Parenting Consultant's scope of authority. Model language for the stipulation and order may be found at www.mediationcentermn.org.

Both parties (and their attorneys, if represented) must sign the stipulation and submit to a judicial officer for signing and entry. Without an appointment order a Parenting Consultant may lose their claim to quasi-judicial immunity. A Parenting Consultant should not commence work on a matter without a fully executed and entered appointment order.

The Parenting Consultant should also require the parties to sign a fee agreement. A model fee agreement may be found at www.mediationcentermn.org.

What You Should Expect from a PC

- A process that is well-explained and understandable
- Reasonable availability
- Timely responses
- Regular, periodic billing
- Meeting summaries (after most joint meetings) that are clear, timely, and accurate
- A process focused on the children's best interests
- Self-awareness regarding areas of competency and gaps in knowledge
- Familiarity with and effective use of additional resources
- Compliance with Rule 114 and the Rule 114 Code of Ethics
- Professionalism
- Decisions which are:
 - Child focused
 - Supported by sound rationale (clearly explained)
 - Written in clear and understandable language
 - Timely
 - Within the scope of authority

Model PC Process

- STEP 1:** Agree on a PC and contact him or her regarding their availability.
- STEP 2:** Obtain preferred language regarding appointment from Parenting Consultant (if any), incorporate into Stipulation and Order to Appoint Parenting Consultant, and submit to court.
- STEP 3:** Intake meeting with PC
- Parties meet together with PC unless there are special circumstances
 - PC conducts domestic violence screening individually with each party at the start of the meeting
 - Fee agreement reviewed and signed
 - Stipulation and order reviewed with the parents
 - Issues may be identified but typically not addressed at intake
- STEP 4:** Individual meetings with each parent
- Family history taken
 - Concerns identified
 - Additional domestic violence screening conducted (more detailed)
- STEP 5:** Second joint meeting
- Goals discussed
 - Issues identified
 - Work plan created
 - Agreements memorialized
 - Additional meetings scheduled as needed

After initial issues are resolved parties contact PC as needed

Decision making protocol

- Impasse identified
- Parents are instructed to submit their proposals to the PC
- PC distributes proposals to the parents
- Additional information gathered by the PC if necessary
- Decision issued in writing with clear rationale

How to Remove a PC

A PC may be removed by agreement of both parties or order of the court. If one party is dissatisfied with the PC, they may not unilaterally remove the PC through non-payment or non-participation.

Appealing a PC Decision

All PC decisions are appealable to the district court. This is done by filing and serving a motion. The motion must be filed within the time period specified in the PC appointment order. The PC may not respond to the motion but should receive a copy of all pleadings.



Considerations for Choosing a PC

- Experience
- Training (There are Parenting Consulting trainings available locally and nationally. Make sure your PC has attended a training.)
- Professional licensing (It is generally preferred that a PC be a licensed attorney or mental health professional.)
- Availability both to begin the case quickly and to provide timely ongoing services
- Affordability
- Areas of special expertise (e.g. if a child has an identified autism spectrum disorder, a PC with experience and knowledge in this area is helpful.)
- Conflict resolution style (more directive or more facilitative)
- You should not choose a PC who has previously performed a different role in the case, such as mediator, custody evaluator, etc.

Common Misconceptions About PCs

- PCs are emergency responders (We are not.)
- PCs are on call 24/7 (No way. Regular business hours.)
- PCs have unlimited authority (No we don't. Scope of authority should be clearly defined in the stipulation and order appointing Parenting Consultant.)
- PCs do not have to follow the law (Yes we do.)
- PCs can enforce compliance in the same manner as a judicial officer (No we can't. There are very limited sanctions a Parenting Consultant may impose. Enforcement issues are typically handled by the Court.)
- Once a PC has made a decision they are no longer impartial (Not at all true.)
- Decisions made by a PC are not valid once a successor PC has been appointed (Wrong again. All decisions remain in effect unless or until specifically addressed by the successor Parenting Consultant or the Court.)

Questions for Potential Parenting Consultants

1. What is your professional background and training? What specific training have you had in Parenting Consulting?
2. How long have you worked as a PC and approximately how many cases?
3. Describe your protocol for doing Parenting Consulting work.
4. As a PC, do you tend to emphasize facilitative role, coaching, or making decisions?
5. How will clients know that you are in decision making "mode"?
6. Do you usually interview children as part of the Parenting Consulting process?
7. How are fees structured? What if one person does not pay?
8. How do you handle client emergencies?
9. Why do you think you would be a "good fit" as PC for this family?

Other Resources

AFCC guidelines for Parenting Coordinators found at: <http://www.afccnet.org/Portals/0/AFCCGuidelinesforParentingcoordinationnew.pdf>
Minn. Gen. R. Prac. 114, and Minn. Gen. R. Prac. 114 (Appendix)

Contrasting Parenting Consulting and Parenting Time Expediting

Parenting Consultants are "creatures of contract" *Szarzynski v Szarzynski*, 732 N.W.2d 285 (Minn. Ct. App. 2007). Parenting Time Expeditors (PTE) derive their authority from MN Stat Sec 518.1751. The following comparison chart is based on the language of the model stipulation and order appointing a Parenting Consultant found at www.mediationcentermn.org. The Parenting Time Expeditor's authority is as found in MN Stat Sec 518.1751. Parenting Consultants may be granted greater or lesser authority by agreement of the parties and the Parenting Consultant.

ISSUES	PARENTING CONSULTANT	PARENTING TIME EXPEDITOR
Modify Legal and Physical Custodial Designation	NO	NO
Permanently Modify Parenting Time Schedule	YES	NO
Temporary Modification of Parenting Time	YES	YES
Determine Compensatory Parenting Time	YES	YES
Address Circumstances Not Specifically Addressed by an Existing Parenting Time Order	YES	YES
Make a Determination As to Whether the Existing Parenting Time Order Has Been Violated	YES	YES
Determine Evaluation and Treatment for the Parties	YES	NO
Determine Evaluation and Treatment for the Children	YES	NO
Determine School Placement	YES	NO
Decide Participation in Extracurricular Activities	YES	NO
Allocation of Child-related Expenses Not Included in Child Support	YES	NO
Consult with Treating Professionals with Appropriate Authorizations	YES	YES
Address Child Support	NO	NO
Address Child-related Issues Not Related to Parenting Time	YES	NO
Able to Memorialize Agreements Outside of the Scope of Authority	YES	YES
Set Guidelines for Communication with the PC or PTE	YES	YES
Set Guidelines for Communication Between the Parents and/or Parents and Children	YES	NO
Send Reports Directly to Court (Written or Oral) Rather Than to the Parties	NO	NO
Allocate PC's or PTE's Fees Between the Parties	YES	NO
Decide Issues with Input from Only One Party	YES	YES
Grant Access to Non-parents	NO	NO
Mandatory Reporter of Child Abuse	DEPENDS ON PROFESSIONAL LICENSE	YES

Caveat

Parenting Consulting is also known as Parenting Coordination in most other areas of the United States. Many states have enacted rules and statutes governing PC work. The information in this Legal QuickSheet™ only applies to Parenting Consulting in Minnesota.