



Settling Custody and Access Disputes...

*Court, Counselling, Mediation, Parenting Coordinator:
What's the difference?*

Parents who are separated need to sort out the ongoing care of their children. Statistically, most do so between themselves without any help or support from outside resources. However, not all parents are able to settle matters concerning the ongoing care of the children and thus turn to several different strategies to help them out. Each strategy carries its own benefits and problems:

Court: Couples who turn to the Court are often locked in the most contentious of differences. Each may seek a very different outcome and believe they may persuade the Court in their respective favour and thus win their position. Court is generally viewed as a last resort solution. The Court will never be as intimate with the issues as will the parties and hence the outcome may not be as finely tuned as hoped for. Further, the Court is not bound by the position of the parties and may impose solutions that neither party is satisfied with. Lastly, Court imposed solutions tend to be less durable than solutions derived by the parties themselves, with or without assistance. Court imposed solutions offer no opportunity to resolve underlying issues or teach better problem solving and communication skills.

Mediation: Mediation provides an opportunity for parents to resolve matters between themselves in the presence of a trained professional. In the most traditional of terms, the trained professional is to act as the guardian of the process, helping parents to discuss matters in an environment that provides some degree of control over behaviour and content. The mediator may or may not express opinion as to the subject matter but will seek to ensure the process and outcome is balanced. Mediated solutions tend to be more durable than Court ordered solutions given the intimacy with which the subject matter is addressed by the parties and the fact the agreement is mutually achieved. Further, while mediation may do nothing to resolve underlying issues, the process can model better methods for problem solving and communicating to the parties.

Counselling: Counselling as a strategy to resolve the ongoing care of children carries the same positive features of mediation and is also aimed at resolving underlying difficulties that may otherwise continually

give rise to conflict. Thus through counselling, the parties can be aided to understand their respective contributions to distress and take responsibility to manage same. Further, the process can teach and promote better problem solving skills as well as communication skills and strategies. Agreements achieved through counselling tend to be the most durable in that not only do parents come to a solution between themselves, but also a new way of settling matters as they arise so that greater problems are mitigated.

Parenting Coordinator: The Parenting Coordinator is a highbred between the three above strategies. The Parenting Coordinator is generally appointed for a term of service to resolve problems as they arise. Over the course of service, the Parenting Coordinator offers guidance and direction as well as seeking to help the parties achieve agreements between themselves. However, if the event the parties cannot reach an agreement between themselves, the Parenting Coordinator is empowered by the parties to impose a solution as per the Court. In stricter terms, this aspect of the role is regarded as arbitration. A Parenting Coordinator is generally a good solution for those parents who may continually find themselves in matters of dispute on minor items with regard to an already established parenting agreement. The goal of the Parenting Coordinator is to eventually work themselves out of a job by continually teaching and guiding the parties to more reasonably resolve disputes between themselves.

Which strategy is best for any particular set of parents is subject to a number of factors including, the degree of cooperation between the parties, history of abusive behaviour and willingness to work towards a common goal of better communication and cooperation in the interest of the children.

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