

Guidelines for Parenting Coordination

GUIDELINES FOR PARENTING COORDINATION

Overview

Parenting coordination is a child-focused process conducted by a registered psychologist, social worker, family lawyer, or Registered Family Dispute Resolution Practitioner under the rules or laws of their jurisdiction, with practical professional experience with high conflict family parenting cases.

The parenting coordinator (**PC**) assists parties to implement their parenting plan or parenting orders by:

1. facilitating the resolution of their disputes in a timely manner; and
2. educating parties about children's needs.

Parenting coordination is for parties who are unable or unwilling to jointly make parenting decisions, communicate effectively, comply with parenting agreements and orders or shield their children from the impact of parental conflict. A PC makes recommendations for parties and may report to the court; therefore, a PC should be appointed by and accountable to the court.

The dispute resolution process central to a PC's role may be inappropriate and potentially misused by perpetrators of family violence (**FV**), who have exhibited or are continuing to exhibit patterns of violence, threat, intimidation, and coercive control over the other party

The purpose of these Guidelines is to provide detailed guidance related to:

1. practice for PCs;
2. ethical obligations and conduct of PCs;
3. PC qualifications, including relevant education, training and experience;
4. assistance to courts, professional organisations, educational institutions, and professionals that are developing and implementing parenting coordination programs.

The Guidelines for Parenting Coordination include different levels of guidance.

These Guidelines offer guidance in best practices, qualifications, training and ethical obligations for PCs. These Guidelines do not define mandatory practice and they are not intended to create legal rules or standards of liability. The word "must" is typically used in the Guidelines to be consistent generally with practice requirements of other regulatory bodies and are thought to be best practice.

- Use of the term “may” is the lowest strength of guidance and indicates a practice a PC should consider adopting, but from which the PC may deviate in the exercise of good professional judgment and may be related to jurisdictional variances or other circumstances.
- Use of the term “should” indicates that the practice described is highly desirable and should be departed from only with very strong reason.
- Use of the term “must” is a higher level of guidance to a PC, indicating that the PC should not have discretion to depart from the practice described.

Guideline I – Competence

A PC must be qualified by education and training to undertake parenting coordination and must continue to develop professionally in their associated roles and functions.

- A. **Professional Background and Experience.** A PC must have extensive (not less than 10 years’) practical professional experience with separated families in cases involving high conflict coparenting dynamics; and
- B. A PC must be a social worker, psychologist, family lawyer or Registered Family Dispute Resolution Practitioner who is a member of one of the following professional bodies/associations:
 - Their state or territory law society/institute/bar association
 - Australian Health Professionals Regulation Agency
 - Australian Psychological Association
 - Australian Psychological Society
 - Australian Association of Psychologists Inc.
 - Australian Association of Social Workers
 - Resolution Institute
 - Australian Institute of Family Law Arbitrators and Mediators
 - Mediation Institute

- C. **Parenting Coordination Training.** A PC must have training in the parenting coordination process, family dynamics in separation and divorce, dynamics related to parents who were never married to each other, child development, parenting coordination methods and techniques, court specific parenting coordination procedures, family law as it pertains to the parenting coordination process, intimate partner violence, child maltreatment and other safety issues relevant to the parenting coordination process, ethical considerations pertaining to the parenting coordination process, diversity as it affects the parenting coordination process, coparenting relationships, and the use of technology within the parenting coordination process.
- D. **Continuing Education.** A PC must maintain professional competence in the parenting coordination process. A PC must regularly participate in educational activities promoting professional growth.
- E. **Laws and Guidelines.** A PC must be familiar with the laws governing parenting coordination practice in their jurisdiction, if any, and to comply with those laws. Where specific guidelines conflict, a PC should first comply with the law in the jurisdiction where that PC is practising, as well as their professional codes of conduct.
- F. **Circumstances Affecting Competence and Role as PC.** A PC must decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond a PC's skill or expertise, or personal circumstances (e.g., medical, mental health, substance misuse or dependence, etc.) exist that compromise a PC's ability to perform their role.
- G. **Consultation.** A PC may participate in collegial or peer consultation or mentoring to receive feedback and support on cases, as needed, subject to confidentiality requirements set forth in Guideline V. Consultation is distinguished from supervision in that a PC can choose whether to follow advice from the consultant; a consultant has no authority over the actions or behaviour of a PC who consults with them; and, the consultant does not assume responsibility nor incur liability for any actions taken by a PC before, during, or following the consultation.
- H. **Diversity Awareness and Responsiveness.** A PC must obtain continuing education for diversity awareness to ensure they are providing responsive and competent services, taking into consideration core cultural identities such as race, ethnicity, religion, gender identity, sexual orientation, and socioeconomic status; as well as potential cultural identities that may not be obvious, but which likely affect an individual's personal presentation (such as an illness or disability) and worldview. A PC shall also be aware of the diverse nuances of specific family structure, such as same gender parties, blended families, and extended family caregivers.

Guideline II – Impartiality

A PC must maintain impartiality in the parenting coordination process, although a PC is not neutral when making recommendations that impact best interests of the children. Impartiality is defined here as freedom from favouritism or bias in word or action.

- A. **Gifts and Favors.** A PC shall neither give nor accept a gift, favour, loan or other item of value from any coparent having an interest in the parenting coordination process or from which a PC may profit.
- B. **Respect for Diversity.** A PC shall not allow their personal values, morals, or beliefs to compromise the parenting coordination process or their efforts to assist parties and children. If a PC has personal values, morals, or beliefs that will interfere with the parenting coordination process, a PC shall decline the appointment or withdraw from the process.
- C. **Misrepresentation.** A PC shall not intentionally or knowingly misrepresent or omit any material fact, relevant law, or circumstance in the parenting coordination process.
- D. **Integrity.** A PC shall not accept any appointment, provide any service, or perform any act outside the role of a PC that would compromise the integrity of the parenting coordination process.
- E. **Maintaining Impartiality.** A PC shall advise participants of any circumstances that may impact their impartiality, including potential conflicts of interests or bias. A PC shall withdraw if a PC determines they cannot act in an impartial or objective manner.
- F. **Undue Influence.** A PC shall not be compromised by outside pressure, bias, fear of criticism, or self-interest, including monetary gain. A PC shall not coerce or improperly influence a coparent to make a decision.
- G. **Harassment or Exploitation.** A PC shall not engage in any form of harassment or exploitation of parties, children, students, trainees, supervisees, employees, or colleagues.

Guideline III – Conflict of Interest

A PC shall not serve in a case that would create a conflict of interest. A conflict of interest is a situation in which a person is involved in competing interests or loyalties and serving one interest may involve working against another interest.

- A. **Disclosure.** A PC shall disclose existing or potential conflicts of interest as soon as practical after becoming aware of any factor that gives rise to the potential conflict.

- B. **Waiver.** A PC may serve after the appropriate disclosure of an existing or potential conflict, upon the written agreement of parties and others specifically related to the existing or potential conflict.
- C. **Additional Services.** A PC must not create a conflict of interest by providing any other services to parties, children, or other family members.
- D. **Referrals.** A PC may make referrals to other professionals to provide services to parties, children, or other family members, but must avoid actual or apparent conflicts of interest when making referrals. A PC must not receive any commission, rebate, or remuneration from making a professional referral.
- E. **Solicitation.** A PC must not solicit or agree to provide future professional services to parties, children, or other family members beyond the role of parenting coordination.
- F. **Respect of Other Professional Roles.** A PC must respect the role of other professional disciplines in the parenting coordination process and must promote cooperation between PCs and other professionals.

Guideline IV – Multiple Roles

A PC must not serve in multiple concurrent or sequential roles in the same case, even with the consent of parties.

- A. **Multiple Concurrent or Sequential Roles.** A professional must not act as a PC with parties or others directly involved in the parenting coordination process if they previously provided professional services to the same parties. Also, a PC must not provide professional services other than those pertaining to the parenting coordination process during, or after the term of a PC’s involvement with the family. This includes, but is not limited to, service as a mediator, child consultant, family report writer, Independent Children’s Lawyer, psychologist, social worker, consultant, coparenting counsellor or coach. Further:
 1. A PC must not have served or serve as a mediator for anyone involved in the same case.
 2. A PC must not have served or serve as a child consultant or family report writer for anyone involved in the same case.
 3. A PC must not have served or serve as an Independent Children’s Lawyer for anyone involved in the same case.
 4. A PC must not have served or serve as a psychologist, social worker, consultant,

or coparenting counsellor/coach and must not ‘formally’ engage in such roles concurrently or sequentially for any party involved in the same case.

5. A PC must not have served or serve as a lawyer for either coparent or anyone involved in the same case.
- B. **Facilitation Role.** A PC should attempt to facilitate resolution of issues by agreement of parties; however, a PC is not acting in a formal mediation capacity, which would create a dual role.

Guideline V – Confidentiality

A PC must inform all participants in the parenting coordination process of the limitations on confidentiality before the process commences and throughout the process.

- A. **Confidentiality Outside the Parenting Coordination Process.** A PC must follow the requirements in their jurisdiction regarding maintaining confidentiality outside the parenting coordination process except as provided by law, court order, or by written agreement of parties.
- B. **Communication with Parties and Children within the Parenting Coordination Process.** A PC must notify parties before the process commences that information shared between them is not confidential and may be shared with other participants such as extended family members, professionals, and relevant non-professionals. When a PC includes a child in the process, the PC should provide information about the limits of confidentiality to the child in developmentally appropriate language.
- C. **Communication with other participant/s.** Other participants in the Parenting Coordination Process may include family members and relevant professionals and non-professionals. With necessary authorization, a PC has discretion to communicate and exchange information with other participants. Before requesting information from other participants, a PC must disclose the limits of **confidentiality** with respect to the request.
- D. **Mandated Reporting Laws.** A PC must inform parties of the following limitations of confidentiality:
 1. A PC must follow reporting requirements in their jurisdiction regarding suspected abuse or neglect of a child or vulnerable adult to relevant government departments or law enforcement agencies whether or not a mandatory or voluntary reporter under state, territory or Commonwealth legislation; and
 2. A PC must report to relevant government departments or law enforcement agencies

if a PC has reason to believe that any family member appears to be at serious risk to harm himself or herself, another family member, or a third party.

- E. **Confidentiality of Records.** A PC must maintain confidentiality of all records developed or obtained during the parenting coordination process in accordance with their legal requirements or court order. A PC must follow all legal requirements when storing information and records used in the parenting coordination process or relocating or closing a parenting coordination practice.
- F. **Use of Confidential Information for Educational Purposes.** A PC must not disclose the identity of parties, children, or others involved in the parenting coordination process when information is used for teaching, writing, consulting, supervision, research, or public information.

Guideline VI – Scope of Authority

A PC should serve by formal order of the court. Any court order must clearly and specifically define the PC’s scope of authority and responsibilities.

- A. **Parenting Order.** A PC must not commence the parenting coordination process until the PC has received a Parenting Order and the parties have signed a Parenting Coordination Agreement. If a Parenting Order requires a PC to provide services outside the scope of the parenting coordination process or accepted standards of professional practice, or the PC considers the matter unsuitable for PC, the PC must decline the appointment.
- B. **Recommended Language for Parenting Coordination appointment Orders.** The order appointing a PC should define essential elements of the parenting coordination process including: term of service, timeframes within which a PC is to be engaged by the parties, definition and purpose of the PC role, scope of authority of a PC, access to information by a PC, provision of relevant court documents, limits of confidentiality, parenting coordination procedures, submission of reports to the court or to the parties and responsibility for payment of parenting coordination fees and costs.
- C. **Compliance with Laws, Rules, and Orders.** A PC must comply with all statutes, court orders and rules relevant to the parenting coordination process.
- D. **Parenting Coordination Agreement.** In addition to the court order between parties to appoint a PC, a Parenting Coordination Agreement between the parties and the PC must be signed and used to detail essential elements of the parenting coordination process not contained in the court order, and other professional issues such as their third-party complaints handling process, schedule of fees, billing practices, record keeping, and retainers.

Guideline VII – Roles and Functions

A PC must assist parties in reducing harmful conflict and in promoting the best interests of the children consistent with the roles and functions of a PC.

- A. **Intake Process.** A PC serves a screening and information gathering function. A PC must screen clients referred for services for suitability of the process. A PC should review: a family report; interim or final court orders; information from other collateral sources; domestic and family violence protective orders; any other applicable cases involving criminal assault, domestic and family violence or child abuse; and other relevant records such as educational records, medical, mental health, therapy, and treatment records; and then analyse the impasses and issues as brought forth by the parties.
- B. **Assessment or Appraisal.** A PC serves an assessment function. A PC must conduct on- going assessment regarding: appropriateness of parties for continuation in the parenting coordination process; the need to refer any family member to another professional for services, such as evaluation or treatment; safety of family members and the PC; efficacy of utilised techniques and interventions; and, compliance and violations of the parenting plans or court orders and agreements between parties and recommendations or decisions by a PC.
- C. **Education.** A PC serves an educational function. A PC should educate parties about child development, separation/divorce research, the effects of conflict and impact of parties' behaviour on the children, parenting skills, communication, and conflict resolution skills. A PC may model or teach parties skills and provide direction/redirection to assist parties in the acquisition of those skills.
- D. **Coordination/Case Management.** A PC serves a coordination or case management function. A PC should work with the professionals and systems involved with the family (e.g. mental health, health care, social services, education and legal). A PC may also work with extended family, stepparents, and significant others. A PC may also monitor, implement, and enforce court ordered intervention services if authorised to do so.
- E. **Conflict Management.** A PC serves a conflict resolution function, primarily to help parties resolve or manage child-related conflict. A PC may utilise negotiation, mediation, and arbitration skills. To protect parties and children in Intimate Partner Violence (**IPV**) cases, a PC should tailor the process and techniques to prevent opportunities for coercion.
- F. **Communication.** A PC serves as a conduit for communication between parties. A PC should establish communication protocols and rules of engagement in order to facilitate respectful, child-focused communication between parties.

- G. **Parenting Order.** A PC may provide clarification of parenting responsibilities and parenting time as authorised by a court order. If authorised by a court order, a PC may assist parties in revising a parenting order where there is ambiguity.
- H. **Written Agreements.** A PC may communicate to the court regarding agreements between parties, and submit such agreements, if authorised by law or pursuant to the parenting coordination agreement.
- I. **Limitations on Functions.** A PC must not offer legal advice, therapeutic services, or serve in any additional professional role for any member of the family for which parenting coordination is provided.

Guideline VIII – Informed Consent

A PC must facilitate the participants’ understanding of the parenting coordination process.

- A. **Power and Rights.** A PC is in a position of considerable authority. A PC must communicate to parties the extent of their parental rights given the authority that may be delegated to a PC in the form of recommendations, decision-making, the provisions of confidentiality, the professional persons and other collaterals with whom a PC will be authorised to consult or obtain information. A PC must communicate to parties their right to seek redress with the court.
- B. **Understanding the Role of a PC.** At the commencement of the parenting coordination process, and as appropriate thereafter, a PC must review the court order or consent agreement and the professional services agreement with parties to clarify with them the nature of the PC’s role, function, authority, provision of confidentiality, and procedures.
- C. **Children Involved in the Parenting Coordination Process.** A PC may meet with children in the parenting coordination process if they are trained in interviewing children and possess the appropriate skills. When meeting with children, a PC must explain, in developmentally appropriate language, the PC’s role, provisions of confidentiality, and anticipated involvement of the children in the process.

Guideline IX – Fees and Costs

A PC must fully disclose and explain the basis of any fees and costs to parties.

- A. **Allocation of Fees/Costs.** All fees and costs must be allocated between parties as ordered by the court or as agreed upon in a PC’s written fee agreement.

- B. **Prior Notice of Fees/Costs in Writing.** Prior to commencement of the parenting coordination process, a PC must provide to parties, in writing, the basis of fees and costs; retainer, if any; procedures for payment; and collection of fees associated with postponement, cancellation, and non-attendance; as well as identifying any other activities that may incur fees and costs.
- C. **Billable Services.** Activities for which a PC may charge include time spent interviewing parties, children and other participants; preparation of agreements; correspondence, recommendations, decisions and reports; review of records and correspondence; telephone and electronic conversation; travel; court preparation; and appearances at hearings, and meetings and any associated costs for these.
- D. **Failure to Meet Fee/Costs Agreements.** A PC must inform parties that they may suspend or terminate services due to the lack of payment by either party.
- E. **Recordkeeping of Fees/Costs.** A PC must maintain records necessary to document charges for services and expenses and should provide a detailed accounting of those charges to a party, their legal representative or the court, if requested to do so in accordance with the requirements of the PC's governing body or by law.
- F. **Contingency Fees Prohibited.** A PC must not charge a contingent fee or base a fee on the outcome of the process.
- G. **Remuneration for Referrals.** A PC must not accept nor provide a fee for a parenting coordination referral, as further delineated in Guideline III.

Guideline X – Communication and Record-Keeping

A PC must communicate in a manner that preserves the integrity of the parenting coordination process and considers the safety of parties and children when communicating with parties, legal representatives, children, and the court. A PC should have access to persons involved with family members and documentary information necessary to fulfil their responsibilities.

- A. **Ex Parte Communication.** A PC may engage in individual communications with each of the parties and their legal representatives, unless prohibited in the court order of appointment. A PC should do so in an objective, balanced manner. A PC should communicate agreements and recommendations to all parties.
- B. **Reports to the Court.** A PC should follow the court's rules or instructions regarding reports to the court.
- C. **Collateral Communications.** A PC should have access to all professionals involved with family members including, the family report writer, legal representatives, school officials,

medical, and mental health care providers. A PC should have the authority to meet with the children, any stepparent or person acting in that role, or anyone else a PC determines to have a significant role in contributing to or resolving the conflict. A PC should notify any other participant's provisions of confidentiality pertaining to information obtained from them.

- D. **Access to Documents and Information.** A PC should have access (if requested) to all relevant information including parenting orders, family violence orders, the family report, Independent Children's Lawyer reports, and school, medical, and mental health records of parties and their children. Any court order should authorise a PC to execute releases and obtain consents to permit access to such data and other relevant information.
- E. **Interviews, Meetings, and Participants.** A PC should have initial separate or joint interviews with parties. If a PC has appropriate training and skills, they may choose to interview the children in a developmentally appropriate manner. A PC may, as needed, interview any individuals who provide services to the children to assess the children's needs and wishes. Communication between a PC and parties may take place in joint, face-to-face meetings or by electronic means as determined by the PC. A PC should determine whether separate or joint sessions are appropriate. In cases involving FV, a PC must determine whether to conduct interviews and sessions with parties separately or in other circumstances to ensure appropriate safety precautions.
- F. **Maintaining Records.** A PC must maintain records in a manner that is in accordance with the PC's licensing or governing body, or law. The records must be professional, comprehensive and inclusive of information and documents that relate to and support recommendations made during the parenting coordination process.
- G. **Documentation of Agreements and Decisions.** A PC must document in writing all agreements made by parties and recommendations made by the PC.
- H. **Responsibility to the Court.** A PC must be candid, accurate, and responsive in all communications with the court concerning their qualifications, availability, fees, and disciplinary sanctions related to the parenting coordination process as required by law or rule.

Guideline XII – Marketing Practices

A PC must not engage in any marketing practice that diminishes the importance of a coparent's right to self-determination, compromises the impartiality of the PC, or demeans the integrity of the parenting coordination process or the judicial system.

- A. **False or Misleading Marketing Practice.** A PC must not engage in marketing practices that contain false or misleading information.

- B. **Accuracy and Honesty.** A PC must ensure that any advertisements regarding qualifications, services to be rendered, or the parenting coordination process are accurate and honest.
- C. **Promises.** A PC must not make any claims of achieving specific outcomes.

Guideline XIII – Safety and Capacity

A PC must be aware of issues regarding safety and capacity that may diminish the integrity of the parenting coordination process. A PC must promote the safety of all participants throughout the parenting coordination process.

- A. **Screening.** A PC must screen prospective cases for family violence and decline cases if they do not have specialised training and procedures to effectively manage those cases. A PC should provide ongoing screening and terminate their role as PC if they are unable to manage those cases.
- B. **Protective and no time Orders.** A PC must honour the terms of all active protective orders and no-time orders for protection and take measures that may be mandated to ensure the safety of parties, their children, and the PC.
- C. **Monitoring for Safety.** A PC must monitor the process for the presence of safety concerns, intimate partner violence, child abuse and neglect, and take appropriate action to address such issues when they are identified.
- D. **Suspending or Terminating Process Based upon Safety Concerns.** A PC must suspend or may terminate the parenting coordination process when the PC determines it is unsafe to continue and must notify the court of the suspension or termination, if required.
- E. **Interruption in Services Due to Parental Impairment or Incapacity.** A PC must adjourn, terminate, or modify the parenting coordination process if a party is incapable of participating in the process.
- F. **Suspicion of Substance Misuse and Mental Impairment.** A PC must be alert to the reasonable suspicion of any substance misuse by either party or child, as well as any psychological or psychiatric impairment of any party or child that compromises their parenting or may be detrimental to the best interests of the children or the safety of family members. A PC may recommend a substance abuse or mental health evaluation and treatment as the PC might deem necessary during the parenting coordination process to address the best interests of the children affected, if legally authorised to do so.

Guideline XIV – Security, Confidentiality and Privacy Related to Use of Technology

A PC must manage the risks related to the confidentiality and security of information by taking reasonable steps to protect the privacy of all interactions and documentations exchanged consistent with privacy legislation in a PC’s jurisdiction.

- A. A PC should become knowledgeable of and utilise the most current technology available to prevent access to information, documents, or communications within the parenting coordination process to unauthorised third parties.
- B. A PC should utilise protection against viruses and malwares, as recommended by the relevant privacy legislation, when utilising a computer or electronic device for parenting coordination services, including avoidance of wireless communication that is not secure.
- C. A PC should develop a protocol for the safe storage and disposal of information and data.
- D. A PC should determine the procedures and protocols for providing parenting coordination services remotely or via telecommunications (e.g. videoconference, telephone, teleconference, electronic group text, email communications, etc.) to ensure the privacy and integrity of the parenting coordination process.
- E. A PC must follow their professional standards regulating telepsychology and interstate and international practice.

Definitions

These definitions are intended to clarify key concepts and terms that appear throughout these Guidelines. Some terms may vary by jurisdiction.

Arbitration: The hearing and determination of a dispute by a neutral third party with decision-making authority.

Other participants: Professionals and non-professionals who assist or are invited to participate in the parenting coordination process.

Consent Agreement: A written document specifying the terms under which parties will conduct themselves, the details to which the individuals are agreeing, and is signed by both parties and dated.

High-Conflict Parties: Parties who are unable to resolve the overwhelming majority, or all, of the disputes that arise between them regarding the health, education, general welfare, and process of raising their common children. These individuals tend to rely on the courts or other third-party professionals for recommendations or directives for resolution of such disputes, and frequently struggle with communication with one another regarding their common children.

Intimate Partners: Individuals who share or have shared a close interpersonal relationship, often including those who are married or have been married in the past; those who are dating, whether or not the couple has shared sexual intimacy and regardless of sexual orientation; those sharing a familial connection, such as adult family members like parent-child, and cohabitants, current and past. In the context of parenting coordination, intimate partners will usually refer to parties who share children in common.

Family Violence (FV): Physically aggressive behaviours involving the intentional use of physical force with the potential for causing injury, harm, disability, or death and include: sexually aggressive behaviours; unwanted sexual activity that occurs without consent through the use of force, threats, deception, or exploitation; economically aggressive behaviours involving the use of financial means to intentionally diminish or deprive another of economic security, stability, standing, or self-sufficiency; psychologically aggressive behaviours involving intentional harm to emotional safety, security, or wellbeing; and, coercive controlling behaviours involving harmful conduct that subordinates the will of another through violence, intimidation, intrusiveness, isolation, and/or control.

Family Mediation (aka Family Dispute Resolution): A process through which a neutral third-party facilitates communication between individuals in a dispute with a goal of helping them resolve that dispute on their own.

Order: A legally binding directive issued by a court or an individual with judicial authority in the jurisdiction where the order was entered, such as a Judge, Senior Judicial Registrar, Judicial Registrar,

Deputy Registrar, or Magistrate.

Parenting Time: The allocation of time each parent has care and responsibility for the children, and any specific guidelines or restrictions that may be in place regarding the schedule.

Party: An individual who shares legal responsibility for a child with another individual, regardless of biological relationship or the circumstances under which responsibility has been initiated or defined. Parties may include grandparents, guardians, or others who serve in a quasi-parenting role with a child.

Recommendation: A proposal for the resolution of a dispute or disagreement, often accompanied by an explanation of the rationale or basis for the recommendation.

Screening: An initial and ongoing process in which a PC will gather information regarding the background of the family members and circumstances and then assess the appropriateness of the family for participation in the parenting coordination process.

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