

What do you do when you are separated or divorced parents and in conflict?

There are many processes available that will help both of you increase your parenting knowledge and skills, some of which are defined and described in this booklet. These services can help you resolve conflict and protect the best interests of your children. You may choose to use these services or the court may order one or more of these options. Contact the court to find out what services are available in your area.

For court documents there is an online self help center with instructions and forms at:

www.courts.state.co.us/chs/court/forms/domestic/domestic.html.

Office of Dispute Resolution

Colorado Judicial Branch
1301 Pennsylvania Street, Suite 300
Denver, CO 80203

1-800-888-0001, Ext. 3672

303-837-3672

www.ColoradoODR.org



Parenting Education (May not be available in all jurisdictions.)

Educational options are available to help you increase your parenting knowledge and skills. These classes will help you utilize information you have obtained through books and other resources.

- **Basic Parenting Class**
These classes provide information about how children are affected by divorce or separation and how parents can address these challenges through effective communication and parenting time. These classes generally last 3-4 hours. Classes may include information for divorced parents, never-married parents, and/or high conflict situations. Some jurisdictions require that parents attend such a class before the court will enter final orders regarding children. Refer to the jurisdiction where your case is filed to determine which parenting classes will satisfy the court's requirements.
- **High-Conflict Parenting Class**
These classes are intensive and consist of several sessions. You and the other parent will learn and practice the communication skills that will help you work together to keep your children out of the middle of your conflict. This advanced class augments the knowledge you gained in the basic parenting class.
- **Parenting Consultant**
One or both of you can work one-on-one with a trained, experienced professional to consult about parenting conflict. These professionals will give you ideas, guidance, and encouragement to help you handle your problems in a productive and healthy way for you and your child(ren).

Alternative Dispute Resolution (ADR)

When you have issues to resolve on a one-time or periodic basis, such as creating or changing a parenting plan, the services listed below may be valuable in helping you resolve your disputes. These options provide an alternative to having a trial where a judge makes the decisions for you. ADR can offer cost effective, timely, and appropriate choices for your individual situation. However, a mediator or arbitrator cannot provide legal advice.

- **Mediation**
Both of you can hire a trained neutral mediator to assist you in reaching your own agreement in an informal and confidential setting. The mediator does not decide the outcome --- the agreements are up to you. The mediator helps you to clarify issues, identify your needs and interests and those of your children, and create and select the options that best meet those needs and interests. The mediator can also help you document any agreements reached, which you can then file with the court. If you are unable to reach a mutually satisfactory agreement on all or part of the issues, your case will be set for a court trial. Mediation is mandatory in many districts.
- **Arbitration (May not be available in all jurisdictions.)**
Both of you can hire a trained neutral arbitrator to make all or some of the decisions upon which you cannot agree. Arbitration may be helpful when you want a quick resolution, as it can be timelier and less formal than court hearings. The arbitrator will make a binding decision based upon the testimony and evidence presented. The decision of the arbitrator will be enforced by the court except in unusual circumstances. There is a limited opportunity to request a new hearing in child-related matters.
- **Mediation-Arbitration (Med-Arb) (May not be available in all jurisdictions.)**
You begin by mediating, but you agree that if you cannot resolve specified issues your mediator becomes an arbitrator and makes binding decisions on unresolved issues. Med-arb provides an opportunity to work out your own solutions and to break any deadlocks. This process ensures that a final decision is made without going to court. The decision of the arbitrator will be enforced by the court except in unusual circumstances. There is a limited opportunity to request a new hearing in child-related matters.

Investigation or Evaluation (May not be available in all jurisdictions.)

These experts will evaluate your situation to determine what is in the best interests of your children and make recommendations to the court.

- **Child and Family Investigator (CFI)**
A Child and Family Investigator is an experienced professional who investigates specific issues or urgent matters for the court related to parental responsibility disputes. Upon completion of the investigation, the CFI submits a written report to the court with findings and recommendations and is available to testify. These reports help the court make decisions about parenting time and decision-making when the parents cannot agree on their own. In many cases, the report can also help parents come to an agreement outside of court by providing them with a neutral, educated assessment of the disputed issues. The court can appoint a CFI or a CFI may be requested by one of the parents or their attorney.
- **Child's Legal Representative (CLR)**
A Child's Legal Representative is an attorney appointed by the court to represent the best interests of the child. The individual appointed participates in all aspects of the case involving the child such as residence, allocation of parental responsibilities, support, property, and parenting time. The CLR makes recommendations to the court, but the CLR cannot be called as a witness in the case. The court can appoint a CLR or a CLR may be requested by one of the parents.
- **Parental Responsibility Evaluator (PRE)**
A Parental Responsibility Evaluator is a mental health professional appointed by the court to file a detailed, written report about disputed issues relating to parenting time and decision-making. A thorough process is used to address multiple parenting issues, assessing each parent's mental health and parenting capacity as well as each parent's ability to put the welfare and needs of the children before his or her own needs. After the evaluator's report is filed, attorneys and the court use it to determine the best interests of the children and to create the final parenting plan. Since evaluations can be time consuming and stressful for the family many parents choose to try other options before seeking the appointment of an evaluator. The court can appoint a PRE or a PRE may be requested by one of the parents or their attorney.

Parenting Coordination/Decision-Making (May not be available in all jurisdictions.)

Parenting Coordination and Decision-Making are appropriate for providing ongoing assistance for implementing your parenting plan and addressing chronic, ongoing conflict. [For creating or modifying a parenting plan, see options under ADR.]

- **Parenting Coordination (PC)**
A Parenting Coordinator may be appointed by the court to assist you in implementing your parenting plan. The PC will help you discuss conflicts about parenting issues, advise you about the needs of your children, and help you develop parenting strategies to minimize conflict.
- **Decision-Making (DM)**
You can both agree to use a Decision-Maker who will make decisions implementing or clarifying your parenting plan when you are unable to agree. The DM will file all decisions with the court, and the decisions will be binding. If you agree to authorize your Parenting Coordinator to be your Decision-Maker then a final decision will be made without requiring that you go to court.

Commonly Asked Questions

How can you find providers for the services listed in this flyer?

For ADR you can contact the Office of Dispute Resolution at www.coloradoodr.org, 303-837-3672, or 1-800-888-0001, Ext. 3672. You have the option of using other providers outside of ODR. Please check with the individual providers to see if their experience and credentials meet your needs.

For parenting education, investigation/evaluation, and parenting coordination/decision-making, contact your local courthouse, use online search engines or look in the local telephone book.

Please check with the individual providers to see if their experience and credentials meet your needs.

What do I do if I have a Protection Order or Restraining Order?

You need to ask the court for an exception to allow for use of parenting classes, ADR, or Parenting Coordination/Decision-Making. Depending on the practices in various jurisdictions, classes may be taken at separate times and other processes may be held in separate rooms.

What do providers charge for services?

ADR providers usually charge an hourly fee that you and the other parent share, either equally or in an agreed upon proportion. For those who qualify as low income or indigent, you may qualify for reduced fee or free ADR services through the Office of Dispute Resolution, select community mediation programs, or private providers. Other professionals, such as parenting educators and investigators/evaluators may charge by the hour or by the case. Service rates vary, so contact the providers directly to find out their fees.

What do I do if the other parent refuses to participate?

You can request that the court order the other parent to participate.

Can I use an attorney to support me during these processes?

Yes, your attorney can participate.

What do I need to do when I want to modify my parenting plan?

You will need to file a motion to modify with the court. If you reach any agreement, you will file a stipulation so that the court can review your agreement and enter any appropriate orders.

What should I do if there is domestic violence involved?

You should take action to protect yourself and your children. You may want to contact the police or the Department of Human Services. To identify domestic violence resources in your local area you can contact the National Domestic Violence Hotline at 1-800-799-SAFE (1-800-799-7233) or the Colorado Coalition Against Domestic Violence at <http://www.ccadv.org/numbers.htm>. Other resources may be available at your local courthouse.

How can I help my children adjust to the problems we are having as parents?

All of the services described in this flyer are intended to help your children. In addition, you may want to consider using books or on-line resources such as www.UpToParents.org. You also may want to obtain private counseling. Many communities have non-profit parenting or family centers that have resources for children and parents. Counseling providers are listed in the local telephone book. Additionally, many parents find help for their children and themselves at local churches and synagogues.

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