



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

CHILDREN'S LAW ACT PARENTING COORDINATOR REGULATIONS

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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PARENTING COORDINATOR REGULATIONS

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CHILDREN'S LAW ACT

CHAPTER C-6.1

PARENTING COORDINATOR REGULATIONS

Pursuant to section 14 of the *Children's Law Act* R.S.P.E.I. 1988, Cap. C-6.1, Council made the following regulations:

1. Definitions

In these regulations,

- (a) “**accredited education body**” means a university, college or other institution which grants a degree or diploma and is established by the laws of the jurisdiction in which the university, college or institution is located;
- (b) “**Act**” means the *Children's Law Act* R.S.P.E.I. 1988, Cap. C-6.1;
- (c) “**certificate holder**” means a person who holds a valid and subsisting certificate to practise as a parenting coordinator issued under section 6;
- (d) “**parenting coordination agreement or order**” means
 - (i) a written agreement, or
 - (ii) an order of the court under section 13 of the Act, that provides that the parties shall use a parenting coordinator;
- (e) “**parenting coordination contract**” means a written contract between a parenting coordinator and the parties to a parenting coordination agreement or order respecting the provision of parenting coordination services by the parenting coordinator;
- (f) “**parenting coordinator**” means a person who may act as a parenting coordinator in accordance with subsection 14(1) of the Act and these regulations;
- (g) “**Registrar**” means the employee designated by the Minister under section 3;
- (h) “**regulatory authority**” means, for the purposes of subsection 4(3),
 - (i) a regulatory authority that is established by the laws of another province or territory for the purposes of qualifying or licensure of parenting coordinators,
 - (ii) the Law Society of Prince Edward Island under the *Legal Profession Act* R.S.P.E.I. 1988, Cap. L-6.1, or the governing body of the legal profession under the equivalent legislation in force in another province or territory,
 - (iii) the Prince Edward Island Psychologists Registration Board under Part III of the *Psychologists Act* R.S.P.E.I. 1988, Cap. P-7, or the governing body of the psychology profession under the equivalent legislation in force in another province or territory, or

- (iv) the Prince Edward Island Social Work Registration Board under the *Social Work Act* R.S.P.E.I. 1988, Cap. S-5, or the governing body of the social work profession under the equivalent legislation in force in another province or territory;
- (i) “**training provided by a designated body**” means training provided by a body designated in the Schedule to these regulations. (EC99/21)

2. Class of dispute resolution professional

- (1) For the purposes of the Act, parenting coordinators are a class of dispute resolution professional.

Applicable requirements

- (2) A person who meets the requirements specified in these regulations may act as a parenting coordinator in accordance with the Act and these regulations.

Practice shall be compliant

- (3) A person who is a parenting coordinator shall ensure that the person’s practice as a parenting coordinator is in compliance with these regulations. (EC99/21)

3. Designation of Registrar

The Minister may designate an employee of the Department as Registrar

- (a) to receive applications from persons requesting certification as a parenting coordinator under these regulations;
- (b) to issue and renew certification to qualified persons; and
- (c) to carry out the other functions and responsibility assigned to the employee by the Minister. (EC99/21)

CERTIFICATION AS A PARENTING COORDINATOR

4. Application for certification

- (1) A person may apply to the Registrar, in the form approved by the Minister, for a certificate to practise as a parenting coordinator.

Documentation required

- (2) An application referred to in subsection (1) shall be accompanied by documentary evidence satisfactory to the Registrar
 - (a) of the applicant’s identity;
 - (b) that the applicant has successfully completed the training referred to in clause 5(4)(b), where applicable;
 - (c) that the applicant has successfully completed the pre-service parenting coordination training referred to in subsection (3), where applicable;
 - (d) that the applicant, as the case may be,
 - (i) if a lawyer, is a member in good standing of the Law Society of Prince Edward Island under the *Legal Profession Act*, or the governing body of the legal profession under the equivalent legislation in force in another province or territory,



- (ii) if a psychologist or psychological associate, is registered and in good standing with the Prince Edward Island Psychologists Registration Board under Part III of the *Psychologists Act*, or
- (iii) if a social worker, is registered by and in good standing with the Prince Edward Island Social Work Registration Board under the *Social Work Act*;
- (e) of the applicant's work experience as it relates to the requirements of clause 5(1)(a), (2)(a), (3)(a) or (4)(a) or subsection 5(6), as the case may be; and
- (f) that the applicant maintains professional liability insurance coverage in the minimum amount specified in section 5, where applicable.

Pre-service parenting coordination training

- (3) The pre-service parenting coordination training referred to in clause (2)(c) comprises
 - (a) training, completed by the applicant within the five years immediately prior to the making of an application under this section, that is approved by an accredited education body or recognized by a regulatory authority and that includes at least
 - (i) 18 hours of training in the basic roles and responsibilities of a parenting coordinator,
 - (ii) 30 hours of training in conflict resolution, including mediation,
 - (iii) 12 hours of training in arbitration, including training in determination writing,
 - (iv) 12 hours of training in the family dynamics of separation and divorce, including training in managing high-conflict individuals and families,
 - (v) 12 hours of training in family and children's law,
 - (vi) six hours of training in civil procedure,
 - (vii) 12 hours of training in child development, including training in interviewing children, the effect of parental conflict on child development, conflict management and developing parenting plans,
 - (viii) 12 hours of family violence training; and
 - (ix) one hour of suicide prevention training;
 - (b) training provided by a designated body, which the Registrar considers substantially equivalent to the training described in clause (a); or
 - (c) work experience or a combination of work experience and training that the Registrar considers substantially equivalent to the training described in clause (a) or (b).
(EC99/21)

5. Application by member of Law Society

- (1) An applicant for a certificate to practise as a parenting coordinator who is a member of the Law Society of Prince Edward Island or the governing body of the legal profession in another province or territory in Canada shall
 - (a) have five or more cumulative years of experience of family-related practice in family law or mediation in the 10 years immediately preceding the date of the application;
 - (b) have successfully completed the pre-service parenting coordination training specified in subsection 4(3); and
 - (c) maintain professional liability insurance that provides coverage of a minimum of \$2,000,000 in the aggregate.

Application by psychologist or psychological associate

- (2) An applicant for a certificate to practise as a parenting coordinator who is registered as a psychologist or psychological associate by the Prince Edward Island Psychologists Registration Board under Part III of the *Psychologists Act* shall
- (a) have five or more cumulative years of experience in the 10 years immediately preceding the date of the application of family-related practice in
 - (i) counselling or working as a psychologist in the field of mental health, or
 - (ii) mediation;
 - (b) have successfully completed the pre-service parenting coordination training described in subsection 4(3); and
 - (c) maintain professional liability insurance that provides coverage of a minimum of \$2,000,000 in the aggregate.

Application by social worker

- (3) An applicant for a certificate to practise as a parenting coordinator who is registered as a social worker by the Prince Edward Island Social Work Registration Board under the *Social Work Act* shall
- (a) have five or more cumulative years of experience of family-related practice in counselling or mediation in the 10 years immediately preceding the date of the application;
 - (b) have successfully completed the pre-service parenting coordination training described in subsection 4(3); and
 - (c) maintain professional liability insurance that provides coverage of a minimum of \$2,000,000 in the aggregate.

Other applicant

- (4) An applicant for a certificate to practise who is not described in subsections (1), (2) or (3) shall
- (a) have five or more cumulative years of experience of family-related practice in counselling or mediation in the 10 years immediately preceding the date of the application;
 - (b) have successfully completed training related to counselling or mediation that is approved by the Registrar;
 - (c) have successfully completed the pre-service parenting coordination training described in subsection 4(3); and
 - (d) maintain professional liability insurance that provides coverage of a minimum of \$2,000,000 in the aggregate.

Insurance coverage - exemption

- (5) The requirements respecting professional liability insurance coverage in clauses (1)(c), (2)(c) and (3)(c) do not apply to an applicant who provides proof satisfactory to the Registrar that the applicant is not required to maintain professional liability insurance coverage under the *Legal Profession Act*, the *Psychologists Act* or the *Social Work Act*, as the case may be.

Pre-service parenting coordination training - exemption

- (6) The requirements respecting successful completion of the pre-service parenting coordination training specified in clauses (1)(b), (2)(b), (3)(b) and (4)(c) do not apply to an applicant who provides proof satisfactory to the Registrar that the applicant has successfully completed



- (a) three or more cumulative years of experience as a parenting coordinator in another province or territory in the 10 years immediately preceding the date of the application; or
- (b) the training required by the laws of another province or territory to act as a parenting coordinator. (EC99/21)

6. Issuance of certificate

- (1) The Registrar, on review of a completed application, shall, if satisfied that the applicant meets the qualifications and requirements set out in sections 4 and 5,
 - (a) issue to the applicant a certificate to practise as a parenting coordinator for a term of one year; and
 - (b) assign a registration number to the applicant and endorse the number on the certificate.

Qualifications

- (2) A person is qualified to act as a parenting coordinator if the person holds a valid and subsisting certificate to practise as a parenting coordinator issued under this section.

Expiry

- (3) A certificate to practise as a parenting coordinator expires on the earliest of
 - (a) the date specified on the certificate;
 - (b) the date the certificate holder no longer meets the applicable requirements of clause 4(2)(d); or
 - (c) the date the certificate holder ceases to maintain professional liability insurance coverage as specified in section 5.

Obligation to notify

- (4) A certificate holder who ceases to maintain professional liability insurance coverage as specified in section 5, or whose professional liability insurance coverage is cancelled for any reason, shall immediately notify the Registrar. (EC99/21)

7. Renewal of certificate

- (1) A certificate holder may apply to the Registrar, in the form approved by the Minister, to renew the holder's certificate to practise as a parenting coordinator for a term of one year.

Documentation required

- (2) An application referred to in subsection (1) shall be accompanied by documentary evidence satisfactory to the Registrar that the certificate holder
 - (a) continues to meet the applicable requirements of clause 4(2)(d);
 - (b) continues to maintain the professional liability insurance coverage required pursuant to section 5; and
 - (c) has successfully completed six hours of continuing education related to parenting coordination approved by the Registrar.

Renewal

- (3) The Registrar, on review of a completed application, shall renew the applicant's certificate to practise as a parenting coordinator for a term of one year if satisfied that the applicant has met the requirements of subsection (2).

Continuation of certificate

- (4) Where a certificate holder applies to the Registrar to renew a certificate to practise as a parenting coordinator before the certificate expires, the certificate shall be deemed to continue in force until the Registrar
- (a) renews the certificate; or
 - (b) refuses to renew the certificate. *(EC99/21)*

PARENTING COORDINATION**8. Preconditions respecting practice**

Before assisting the parties to a dispute under the Act in the capacity of a parenting coordinator, the parenting coordinator shall

- (a) enter into a parenting coordination contract, in the form approved by the Minister, for the provision of parenting coordination services with the parties to the dispute; and
- (b) provide written confirmation to the parties to the dispute that the parenting coordinator holds a valid and subsisting certificate to practise as a parenting coordinator issued in accordance with these regulations. *(EC99/21)*

9. Restrictions on practice

- (1) A parenting coordinator may act only
- (a) if there is a parenting coordination agreement or order in place; and
 - (b) for the purpose of implementing the terms of a parenting coordination agreement or order respecting parenting time, decision-making responsibility or contact with a child.

Effect of refusal

- (2) Where a party who is ordered to use a parenting coordinator appointed under section 13 of the Act refuses to enter into a parenting coordination contract, the court, on motion by the other party, may draw an adverse inference against the party who refused to enter into the parenting coordination contract and may find that party in contempt of court. *(EC99/21)*

10. Timing of agreement or order

- (1) A parenting coordination agreement or order may be made at the same time as, or after, an agreement or order is made respecting parenting time, decision-making responsibility or contact with a child.

Expiry of authority to act under agreement or order

- (2) A parenting coordinator's authority to act in respect of a parenting coordination agreement or order is terminated two years after the parenting coordination agreement or order is made, unless the parenting coordination agreement or order specifies that the parenting coordinator's authority is to end on an earlier date or on the occurrence of an earlier event as specified in subsection (4).

Extension of agreement or order

- (3) Despite subsection (2), a parenting coordination agreement or order may be extended by a further parenting coordination agreement or order, but the term of a further parenting coordination agreement or order shall be for no more than two years.



Termination of order or agreement

- (4) A parenting coordination agreement or order may be terminated at any time
- (a) in the case of a parenting coordination agreement, by agreement of the parties or by an order made on application by either of the parties;
 - (b) in the case of a parenting coordination order, by an order made on application by either of the parties; or
 - (c) in any case, by the parenting coordinator, on giving notice to the parties and, if the parenting coordinator is acting under a parenting coordination order, to the court. (EC99/21)

11. Obligations of party

A party shall, for the purposes of facilitating parenting coordination, provide the parenting coordinator with

- (a) information requested by the parenting coordinator; and
- (b) authorization for the parenting coordinator to request and receive information respecting a child or a party from a person who is not a party. (EC99/21)

12. Assistance by parenting coordinator

- (1) A parenting coordinator may, in accordance with these regulations, assist the parties
- (a) by building consensus between the parties, including by
 - (i) creating guidelines respecting how a parenting coordination agreement or order will be implemented,
 - (ii) creating guidelines respecting communication between the parties,
 - (iii) identifying and creating strategies for resolving conflicts between the parties, and
 - (iv) providing information respecting resources available to the parties for the purposes of improving communication or parenting skills; and
 - (b) by making determinations in accordance with the regulations respecting the matters prescribed for the purposes of subsection (2).

Limits of parenting coordinator's authority

- (2) A parenting coordinator
- (a) may assist or make a determination only in respect of matters referred to in subsection 14(1), subject to any limits or conditions set out in these regulations; and
 - (b) shall not assist or make a determination respecting any matter excluded by the parenting coordination agreement or order, even if the matter is a matter referred to in subsection 14(2).

Best interests of child paramount

- (3) In making a determination, a parenting coordinator shall consider only the best interests of the child.

Determination at any time

- (4) A parenting coordinator may make a determination at any time.

Determination may be oral

- (5) A parenting coordinator may make an oral determination, but shall put the determination into writing and sign it as soon as practicable after the oral determination is made.

Effect of determination

- (6) Subject to subsection 16(2) of the Act, a determination of a parenting coordinator
- (a) is binding on the parties, effective on the date the determination is made or on a later date specified by the parenting coordinator; and
 - (b) if filed with the court in accordance with section 16 of the Act, is enforceable under the Act in accordance with that section. (EC99/21)

13. Written determination - information

A parenting coordinator shall include the following information in each written determination made pursuant to a parenting coordination agreement or order:

- (a) the name and contact information of the parenting coordinator;
- (b) the registration number endorsed on the parenting coordinator's certificate to practise as a parenting coordinator. (EC99/21)

14. Scope of parenting coordinator's authority

- (1) A parenting coordinator may make determinations only in respect of
- (a) a child's daily routine, including a child's schedule in relation to parenting time or contact with the child;
 - (b) the education of a child, including in relation to the child's special needs;
 - (c) the participation of a child in extracurricular activities and special events;
 - (d) the temporary care of a child by a person other than a person who has a right to parenting time with the child under an agreement or parenting order;
 - (e) the provision of routine medical, dental or other health care to a child;
 - (f) the discipline of a child;
 - (g) the transportation and exchange of a child for the purposes of assisting a person to exercise a right to parenting time with the child;
 - (h) access with a child during vacations and special occasions;
 - (i) a child's personal belongings including, but not limited to, a child's toys, clothing, and items required for extracurricular activities; and
 - (j) other matters, other than those specified in subsection (2), that are agreed on by the parties and the parenting coordinator or are ordered by the court.

Prohibited matters

- (2) A parenting coordinator shall not make a determination in respect of
- (a) a change respecting who has parenting time or decision-making responsibility in respect of a child;
 - (b) a change in the allocation of decision-making responsibility;
 - (c) giving contact with a child to a person who does not have a right to contact with the child pursuant to a contact order or a written agreement;
 - (d) a change in the allocation of parenting time that would affect the calculation of child support under the Act;



- (e) the relocation of a child;
- (f) spousal support;
- (g) child support; or
- (h) the division or possession of property, or the division of family assets or debts, except as provided in clause (1)(i). *(EC99/21)*

SCHEDULE

For the purposes of clause 1(i), the following bodies are designated:

- (a) the Family Dispute Resolution Institute of Ontario;
- (b) the British Columbia Parenting Coordination Roster Society;
- (c) Mediation PEI;
- (d) the Canadian Institute of Conflict Resolution;
- (e) the Department of Justice and Public Safety, Government of Prince Edward Island;
- (f) Riverdale Mediation Training & Consulting;
- (g) Association of Family and Conciliation Courts;
- (h) Ontario Association for Family Mediation;
- (i) ADR Atlantic Institute;
- (j) High Conflict Institute Inc.

(EC99/21; 495/21)

