



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

**CUSTODY JURISDICTION AND ENFORCEMENT
ACT
PARENTING COORDINATOR REGULATIONS**

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to August 17, 2019. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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CUSTODY JURISDICTION AND ENFORCEMENT ACT

CHAPTER C-33

PARENTING COORDINATOR REGULATIONS

Pursuant to section 15.5 of the *Custody Jurisdiction and Enforcement Act* R.S.P.E.I. 1988, Cap. C-33, Council made the following regulations:

1. Definitions

In these regulations,

- (a) “**Act**” means the *Custody Jurisdiction and Enforcement Act* R.S.P.E.I. 1988, Cap. C-33;
- (b) “**certificate holder**” means a person who holds a valid and subsisting certificate to practise as a parenting coordinator issued under section 5;
- (c) “**Committee**” means the Qualifications Committee appointed by the Minister under section 2. (EC541/19)

2. Committee established

- (1) The Qualifications Committee is hereby established.

Appointment of members

- (2) The Minister shall appoint as the members of the Qualifications Committee
 - (a) one person nominated by the Chief Justice of the Supreme Court, who shall act as the chairperson of the Committee; and
 - (b) two persons nominated by the Prince Edward Island Parenting Coordination Society.

Term

- (3) A member of the Qualifications Committee shall be appointed for a term not to exceed three years. (EC541/19)

3. Application for certification

- (1) A person may apply to the Committee, 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 Committee
 - (a) of the applicant’s identity;

- (b) that the applicant has successfully completed the training referred to in clause 4(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 an active member in good standing of 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 in Canada,
 - (ii) if a psychologist or psychological associate, is registered by and in good standing with the Prince Edward Island Psychologists Registration Board under Part III of the *Psychologists Act* R.S.P.E.I. 1988, Cap. P-27.2, 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* R.S.P.E.I. 1988, Cap. S-5;
- (e) of the applicant's work experience as it relates to the requirements of clause 4(1)(a), (2)(a), (3)(a) or (4)(a) or subsection 4(6), as the case may be; and
- (f) that the applicant maintains professional liability insurance coverage in the minimum amount specified in section 4, where applicable.

Pre-service parenting coordination training

- (3) The pre-service parenting coordination training referred to in clause (2)(c) constitutes
 - (a) the training approved by the Prince Edward Island Parenting Coordination Society, which shall include training in
 - (i) the basic roles and responsibilities of a parenting coordinator,
 - (ii) basic methods of conflict resolution, including mediation,
 - (iii) basic methods of arbitration, conciliation and their related agreements,
 - (iv) the family dynamics of separation and divorce, including training in managing high-conflict individuals and families,
 - (v) family violence issues, including risk management,
 - (vi) family law and children's law,
 - (vii) civil procedure,
 - (viii) child development, including child interviewing and the impact of conflict on child development;
 - (ix) conflict management,
 - (x) parenting arrangements and parenting plans, and
 - (xi) making determinations, both orally and in writing, respecting matters authorized by subsection 9(1); or
 - (b) work experience or a combination of work experience and training that the Prince Edward Island Parenting Coordination Society considers substantially equivalent to the training described in clause (a). (*EC541/19*)

4. 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 3(3) within the five-year period immediately preceding the date of the application; 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 3(3) within the five-year period immediately preceding the date of the application; 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 3(3) within the five-year period immediately preceding the date of the application; 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 Prince Edward Island Parenting Coordination Society;
 - (c) have successfully completed the pre-service parenting coordination training described in subsection 3(3) within the five-year period immediately preceding the date of the application; 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 4(1)(c), (2)(c) and (3)(c) do not apply to an applicant who provides proof satisfactory to the Committee 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 Committee that the applicant has successfully completed
- (a) three or more cumulative years of experience as a parenting coordinator in another province or territory in Canada in the 10 years immediately preceding the date of the application; or
 - (b) the training required by the laws of another province or territory in Canada to act as a parenting coordinator. (EC541/19)

5. Issuance of certificate

- (1) The Committee, on review of a completed application, shall, if satisfied that the applicant meets the qualifications and requirements set out in sections 3 and 4,
- (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 he or she 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 3(2)(d); or
 - (c) the date the certificate holder ceases to maintain professional liability insurance coverage as specified in section 4.

Obligation to notify

- (4) A certificate holder who ceases to maintain professional liability insurance coverage as specified in section 4, or whose professional liability insurance coverage is cancelled for any reason, shall immediately notify the Committee. (EC541/19)

6. Renewal of certificate

- (1) A certificate holder may apply to the Committee, 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 Committee that the certificate holder
 - (a) continues to meet the applicable requirements of clause 3(2)(d);
 - (b) continues to maintain the professional liability insurance coverage required pursuant to section 4; and
 - (c) has successfully completed six hours of continuing education related to parenting coordination approved by the Committee.

Renewal

- (3) The Committee, 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 Committee 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 Committee
 - (a) renews the certificate; or
 - (b) refuses to renew the certificate. *(EC541/19)*

7. Preconditions respecting practice

Before assisting the parties to a dispute under the Act in his or her capacity as a parenting coordinator, the parenting coordinator shall

- (a) enter into a parenting coordination contract 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 he or she holds a valid and subsisting certificate to practise as a parenting coordinator issued in accordance with these regulations. *(EC541/19)*

8. Standard of practice

- (1) A parenting coordinator shall ensure that his or her practice as a parenting coordinator is in compliance with the Act and these regulations.

Required information

- (2) A parenting coordinator shall include the following information in each written determination made by him or her pursuant to a parenting coordination agreement or order:
 - (a) the name and contact information of the parenting coordinator;
 - (b) the registration number endorsed on his or her certificate to practise as a parenting coordinator. *(EC541/19)*

9. Authority of parenting coordinator

- (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 of access with the child under an agreement or 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 of access 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.

Prohibition

- (2) A parenting coordinator shall not make a determination in respect of
 - (a) a change in the custody or guardianship of a child;
 - (b) a change in the allocation of decision-making responsibilities regarding a child's health care, religion or spirituality, and education;
 - (c) giving access to a person who does not have a right of access with the child pursuant to an order or a written agreement;
 - (d) a change in the parenting or custody arrangements that would affect the calculation of child support pursuant to the Child Support Guidelines Regulations under the *Family Law 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). (*EC541/19*)

