

Parenting Coordinator

This Act directs that a court may appoint a parenting coordinator at any time during the proceedings of a child custody action involving minor children if all parties consent to the appointment. The parties may agree to limit the parenting coordinator's decision-making authority to specific issues or areas.

A court may appoint a parenting coordinator without the consent of the parties upon entry of a custody order other than an ex parte order, or upon entry of a parenting plan only if the court also makes specific findings that the action is a high-conflict case, that the appointment of the parenting coordinator is in the best interests of any minor child in the case, and that the parties are able to pay for the cost of the parenting coordinator. The order appointing a parenting coordinator shall specify the issues the parenting coordinator is directed to assist the parties in resolving and deciding. The order may also incorporate any agreement regarding the role of the parenting coordinator made by the parties. The court shall give a copy of the appointment order to the parties prior to the appointment conference.

Notwithstanding the appointment of a parenting coordinator, the court shall retain exclusive jurisdiction to determine fundamental issues of custody, visitation, and support, and the authority to exercise management and control of the case.

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North Carolina
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Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act to Establish the Appointment
2 of Parenting Coordinators in Domestic Child Custody Actions.”

3
4 Section 2. [*Definitions.*] As used in this Act, the following terms mean:

5 (1) High-conflict case. – A child custody action involving minor children brought under
6 this Act where the parties demonstrate an ongoing pattern of any of the following:

7 a. excessive litigation;

8 b. anger and distrust;

9 c. verbal abuse;

10 d. physical aggression or threats of physical aggression;

11 e. difficulty communicating about and cooperating in the care of the minor
12 children; or

13 f. conditions that in the discretion of the court warrant the appointment of a
14 parenting coordinator.

15 (2) Minor child. – A person who is less than [18 years of age] and who is not married or
16 legally emancipated.

17 (3) Parenting coordinator. – An impartial person who meets the qualifications of Section
18 5 of this Act.

19
20 Section 3. [*Appointment Of Parenting Coordinator.*]

21 (a) A court may appoint a parenting coordinator at any time during the proceedings of a
22 child custody action involving minor children brought under this Act if all parties consent to the
23 appointment. The parties may agree to limit the parenting coordinator's decision-making
24 authority to specific issues or areas.

25 (b) The court may appoint a parenting coordinator without the consent of the parties upon
26 entry of a custody order other than an ex parte order, or upon entry of a parenting plan only if the
27 court also makes specific findings that the action is a high-conflict case, that the appointment of
28 the parenting coordinator is in the best interests of any minor child in the case, and that the
29 parties are able to pay for the cost of the parenting coordinator.

30 (c) The order appointing a parenting coordinator shall specify the issues the parenting
31 coordinator is directed to assist the parties in resolving and deciding. The order may also
32 incorporate any agreement regarding the role of the parenting coordinator made by the parties
33 under subsection (a) of this section. The court shall give a copy of the appointment order to the
34 parties prior to the appointment conference. Notwithstanding the appointment of a parenting
35 coordinator, the court shall retain exclusive jurisdiction to determine fundamental issues of
36 custody, visitation, and support, and the authority to exercise management and control of the
37 case.

38 (d) The court shall select a parenting coordinator from a list maintained by the [district
39 court]. Prior to the appointment conference, the court must complete and give to the parenting
40 coordinator a referral form listing contact information for the parties and their attorneys, the
41 court's findings in support of the appointment, and any agreement by the parties.

42 43 Section 4. [*Authority Of Parenting Coordinator.*]

44 (a) The authority of a parenting coordinator shall be specified in the court order
45 appointing the parenting coordinator and shall be limited to matters that will help the parties:

- 46 (1) identify disputed issues;
- 47 (2) reduce misunderstandings;
- 48 (3) clarify priorities;
- 49 (4) explore possibilities for compromise;
- 50 (5) develop methods of collaboration in parenting; or
- 51 (6) comply with the court's order of custody, visitation, or guardianship.

52 (b) Notwithstanding subsection (a) of this section, the court may authorize a parenting
53 coordinator to decide issues regarding the implementation of the parenting plan that are not
54 specifically governed by the court order and which the parties are unable to resolve. The parties
55 must comply with the parenting coordinator's decision until the court reviews the decision. The
56 parenting coordinator, any party, or the attorney for any party may request an expedited hearing
57 to review a parenting coordinator's decision. Only the judge presiding over the case may
58 subpoena the parenting coordinator to appear and testify at the hearing.

59 (c) The parenting coordinator shall not provide any professional services or counseling to
60 either parent or any of the minor children. The parenting coordinator shall refer financial issues
61 to the parties' attorneys.

62 63 Section 5. [*Qualifications.*]

64 (a) To be eligible to be included on the district court's list of parenting coordinators, a
65 person must meet all of the following requirements:

- 66 (1) hold a masters or doctorate degree in psychology, law, social work,
67 counseling, medicine, or a related subject area;
- 68 (2) have at least [five years] of related professional post-degree experience;

69 (3) hold a current license in the parenting coordinator's area of practice, if
70 applicable; or

71 (4) participate in [24 hours] of training in topics related to the developmental
72 stages of children, the dynamics of high-conflict families, the stages and effects of divorce,
73 problem solving techniques, mediation, and legal issues.

74 (b) In order to remain eligible as a parenting coordinator, the person must also attend
75 parenting coordinator seminars that provide continuing education, group discussion, and peer
76 review and support.

77
78 Section 6. [*Appointment Conference.*]

79 (a) The parties, their attorneys, and the proposed parenting coordinator must all attend the
80 appointment conference.

81 (b) At the time of the appointment conference, the court shall do all of the following:

82 (1) explain to the parties the parenting coordinator's role, authority, and
83 responsibilities as specified in the appointment order and any agreement entered into by the
84 parties;

85 (2) determine the information each party must provide to the parenting
86 coordinator;

87 (3) determine financial arrangements for the parenting coordinator's fee to be paid
88 by each party and authorize the parenting coordinator to charge any party separately for
89 individual contacts made necessary by that party's behavior;

90 (4) inform the parties, their attorneys, and the parenting coordinator of the rules
91 regarding communications among them and with the court; and

92 (5) enter the appointment order.

93 (c) The parenting coordinator and any guardians ad litem shall bring to the appointment
94 conference all necessary releases, contracts, and consents. The parenting coordinator must also
95 schedule the first sessions with the parties.

96
97 Section 7. [*Fees.*]

98 (a) The parenting coordinator shall be entitled to reasonable compensation from the
99 parties for services rendered and to a reasonable retainer. The parenting coordinator may request
100 a hearing in the event of a fee dispute.

101 (b) The court may make the appointment of a parenting coordinator contingent upon the
102 parties' payment of a specific fee to the parenting coordinator. The parenting coordinator shall
103 not begin any duties until the fee has been paid.

104
105 Section 8. [*Meetings and Communications.*] Meetings between the parenting coordinator
106 and the parties may be informal and ex parte. Communications between the parties and the
107 parenting coordinator are not confidential. The parenting coordinator and the court shall not
108 engage in any ex parte communications.

109
110 Section 9. [*Reports.*]

111 (a) The parenting coordinator shall promptly provide written notification to the court, the
112 parties, and attorneys for the parties if the parenting coordinator makes any of the following
113 determinations:

114 (1) the existing custody order is not in the best interests of the child; or

115 (2) the parenting coordinator is not qualified to address or resolve certain issues in
116 the case.

117 (b) The court shall schedule a hearing and review the matter no later than [two weeks]
118 following receipt of the report. The parenting coordinator shall remain involved in the case until
119 the hearing.

120 (c) If the parties agree to any fundamental change in the child custody order, the
121 parenting coordinator shall send the agreement to the parties' attorneys for preparation of a
122 consent order.

123
124 Section 10. [*Parenting Coordinator Records.*]

125 (a) The parenting coordinator shall provide the following to the attorneys for the parties
126 and to the parties:

127 (1) a written summary of the developments in the case following each meeting
128 with the parties, and

129 (2) copies of any other written communications.

130 (b) The parenting coordinator shall maintain records of each meeting. These records may
131 only be subpoenaed by order of the judge presiding over the case. The court must review the
132 records in camera and may release the records to the parties and their attorneys only if the court
133 determines release of the information contained in the records will assist the parties with the
134 presentation of their case at trial.

135
136 Section 11. [*Modification or Termination of Parenting Coordinator Appointment.*]

137 (a) For good cause shown, the court may terminate or modify the parenting coordinator
138 appointment upon motion of either party at the request of the parenting coordinator, upon the
139 agreement of the parties and the parenting coordinator, or by the court on its own motion. Good
140 cause includes any of the following:

141 (1) lack of reasonable progress over a significant period of time despite the best
142 efforts of the parties and the parenting coordinator;

143 (2) a determination that the parties no longer need the assistance of a parenting
144 coordinator;

145 (3) impairment on the part of a party that significantly interferes with the party's
146 participation in the process; and

147 (4) the parenting coordinator is unable or unwilling to continue to serve.

148 (b) If the parties agreed to the appointment of the parenting coordinator under Subsection
149 (a) of this section, the court may terminate or modify the appointment according to that
150 agreement or according to a subsequent agreement by the parties.

151
152 Section 12. [*Parenting Coordinator Immunity.*]

153 A parenting coordinator shall not be liable for damages for acts or omissions of ordinary
154 negligence arising out of that person's duties and responsibilities as a parenting coordinator. This
155 section does not apply to actions arising out of the operation of a motor vehicle.

156
157 Section 13. [*Severability.*] [Insert severability clause.]

158
159 Section 14. [*Repealer.*] [Insert repealer clause.]

160
161 Section 15. [*Effective Date.*] [Insert effective date.]