

**Recent Developments in Parenting Coordination**

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**Misuse of Court by "High Conflict" Parents**

- Overburdens courts: 10% of cases take 90% of the time and resources
- Court process exacerbates parental conflict
- Exposure to parental conflict harms children: "children are caught in the middle"




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**Parenting Coordination as a Solution**

- Child focused ADR process in which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan by facilitating the resolutions of disputes in a timely manner, educating parents about children's needs, and with prior approval of the parents and/or the court, making decisions with the scope of the court order or appointment contract.




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### Value of Parenting Coordination

- Prompt resolutions
- Private
- Economical
- Constructive
- Preserves court resources for more serious cases
- Efficient




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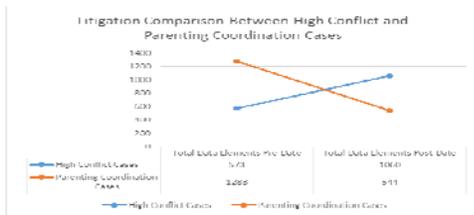
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### PC Effective in Reducing Litigation




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### Key Findings

- PC resolves disputes and prevents parental conflict from escalating but does not necessarily improve the co-parenting relationship
- Parents want an alternative to the traditional adjudicatory process
- There are barriers to the success of the PC process
- Courts should support ways to get help to parents who need help with disputes that are outside the traditional court process
- Court oversight is needed to support the legitimacy and success of parenting coordination




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### Who is This For?

- 8% to 12% of divorcing parents continue in chronic high conflict post-divorce and frequent post-decree litigation (Maccoby and Mnookin-Dividing the Child, University Press, 1992); Joan B. Kelly - Adjustment in Conflicted Marriage and Divorce, \_\_\_\_\_ Journal of American Academy of Child and Adolescent Psychiatry, 963 [2000].
- Definition of a high conflict family:
  - The use of disproportionate amount of the Court's time and resources
  - The parents have depleted their own economic reserves
  - The parents have reinforced their negative views of each other as enemies




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### Why Parenting Coordination?

- Court attempt to delegate limited areas of authority to attorneys and mental health professionals to settle disputes in an immediate, non-adversarial, court-sanctioned forum (with or without the consent of the parents).
- Parent coordination combines assessment, case management, mediation, and arbitration functions. (Recognized in the Superintendence Rules of the Ohio Supreme Court).
- Parenting coordination is particularly useful in resolving difficult issues such as parental alienation (Matthew Sullivan, Joan B. Kelly – Legal and Psychological Management Cases With An Alienated Child, 39 Family Court Review, 299 (2001)
- Parent coordination is useful in monitoring and modifying the behavior of parents with plans that need to evolve over time (young children)




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### What Kind of Outcomes can be Expected?

- The majority of parents working with a Parent Coordinator report being satisfied with the experience, and report decreased conflict with the other parent (Mark Vick and Robert Backerman, 1996 survey presented to the Boulder, Colorado Inter-Disciplinary Committee on Child Custody)
- Parent Coordination offers reinforcement of the parallel parenting model (low engagement, low conflict)
- HOW?




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### How Does the PC Process Succeed in Helping High Conflict Families?

- Parent Coordination offers increased structure – Parent Coordinator becomes the linkage for successful implementation of shared parenting plan for high conflict parents
- Parents learn more functional dispute resolution strategies and conflict management that does not occur through repeated trips to Court
- Success depends upon parents having access to a stable, knowledgeable, readily accessible professional to resolve day to day disputes specified in Court order
- "Death by a thousand cuts" no longer available for harassing, annoying, frustrating, alienating, the other parent.




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### Parent Coordination vs. Parent Coaching – Understand the Differences

- Parent Coordination is not parent coaching.
- Parent coaching is family therapy designed to correct or modify behaviors within the family dynamic. There are overlapping techniques and similar goals like improved communication, but parent coaching does not contain the conflict resolution and decision making functions contemplated by parent coordination, as reflected in the Rule. Coaching goes on, but it is not therapy.
- Rules of Superintendence 90-90.12




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### What are Best Practices for Attorneys?

- Make sure you have a comprehensive order covering all of areas of authority for which your client will call upon the Parent Coordinator.
- Contact the Parent Coordinator in advance of the appointment to see if he/she is going to accept assignment, and what they need to get started.
- Make sure that parties make arrangements to see the Parent Coordinator within 30 days of the journalization of any order appointing the Parenting Coordinator.




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### What are Best Practices for Attorneys?

- Cooperate with Parent Coordinator's efforts to gather information when called upon. If the court orders a case management or compliance hearing following the appointment of a PC, follow through with the client to make sure they have taken the necessary steps to engage and on-board the PC.
- When a decision, or two, or three, goes against your client, call the Parent Coordinator to discuss it before filing any motion to remove the Parent Coordinator.




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### What are Best Practices for Attorneys?

- Encourage your clients to pay the current invoices of the Parent Coordinator.
- Do not expect the Parent Coordinator to accomplish fundamental changes to the parenting plan more properly brought before the Court.
- Help explain the role of Parent Coordinator, the benefits, and what is in it for the client. Conversely, explain to the client the alternative to not cooperating with the efforts of the PC.




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### What is the Role of the Bench?

- Is the court "dumping" a case or appointing a PC because it values the services of the PC that are provided to the family?
- Does the court understand the differences between Parenting Coordination and Parent Coaching?
- How can we tell if the Court is kicking a can down the road?
  - The quality of the order.




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### What is the Role of the Bench?

- Detail versus the limitations of the order.
- Enforcement of the provisions in the order.
- Compliance provisions.
- Whether the Court takes time to engage the parents and explain their responsibilities in the PC process and the benefits of cooperating with the PC.
- Enforcement.




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### What are Best Practices for Parent Coordinators?

1. Obtain Court Order or Stipulated Agreement.
2. Review scope of authority provided to PC in the Court Order.
  - **Know Your Role!**
3. Schedule a joint phone conference with parties' attorneys to learn about the parties and the case.
4. Obtain Parenting Plan and other relevant documents.
5. Forward parties DV Screening and PC interview form.




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### What are Best Practices for Parent Coordinators?

6. Obtain an executed Firm Retainer Agreement from each party.
  - Familiarize parties with your firm's billing and policies
7. Schedule a joint meeting with parties within 30 days of appointment.
8. Initial meeting with parties shall be limited to review PC process.
9. Review Court Order with parties, appointing you as PC.
10. Obtain releases to obtain confidential information, if needed.




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### What are Best Practices for Parent Coordinators?

- 11. PC may elect to schedule a one-on-one with each party prior to engaging in substantive issues.
- 12. Substantive issues to be scheduled for future meeting.
- 13. Provide specific agenda at least 24 hours prior to each meeting.
- 14. Meetings shall not exceed 2 hours.
- 15. Review communication tools being used by parties
  - Recommend tools such as enrolling in Our Family Wizard (OFW)
  - GAL provided access to OFW account




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### What are Best Practices for Parent Coordinators?

- 16. Learn about parties' and families' ongoing therapeutic relationships
  - You may need to recommend therapeutic counselors and high conflict communication coaches to work with family members
- 17. Introduce problem solving model
  1. Identify Issue
  2. Gather all relevant information
  3. Brainstorm options; rinse and repeat
  4. Evaluate options
  5. Encourage parties to find a mutually agreeable solution; Shift from Win-Lose to WIN-WIN!

THE GOAL IS TO  
WORK YOURSELF OUT OF A  
JOB!




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### What are Best Practices for Parent Coordinators?

- 18. Know and Understand a True Emergency
  - Set necessary boundaries
- 19. Recognize genuine impasse
  - The point at which PC MUST render a decision
- 20. Decisions **MUST** be made in **WRITING** and rendered **timely!**
- 21. Decisions from the parent coordinator shall be filed with the Court and served on the parties, and their respective counsel




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### What are Best Practices for Parent Coordinators?

- 22. Understand that you cannot correct every character flaw, psychological wound, and/or personality disorder.
- 23. Remember your role as PC is to:
  - Monitor compliance with details of Parenting Plan/Court Order.
  - Implement safe and workable Parenting Plan.
  - Raise parents' skill level in communication, cooperative and/or parallel parenting.
  - Help resolve issues in a timely manner.
  - Refocus parents on needs of their children.




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### Contact Information

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**Guidelines for  
Parenting Coordination**

**Developed by**

**The AFCC Task Force on Parenting Coordination**

**May 2005**

## Foreword

The *Guidelines for Parenting Coordination* ("*Guidelines*") are the product of the interdisciplinary AFCC Task Force on Parenting Coordination ("Task Force"). First appointed in 2001 by Denise McColley, AFCC President 2001-02, the Task Force originally discussed creating model standards of practice. At that time, however, the Task Force agreed that the role was too new for a comprehensive set of standards. The Task Force instead investigated the issues inherent in the new role and described the manner in which jurisdictions in the United States that have used parenting coordination resolved those issues. The report of the Task Force's (2001-2003) two-year study was published in April of 2003 as "Parenting Coordination: Implementation Issues."<sup>1</sup>

The Task Force was reconstituted in 2003 by Hon. George Czutrin, AFCC President 2003-04. President Czutrin charged the Task Force with developing model standards of practice for parenting coordination for North America and named two Canadian members to the twelve-member task force. The Task Force continued investigating the use of the role in the United States and in Canada and drafted *Model Standards for Parenting Coordination* after much study, discussion and review of best practices in both the United States and Canada.

AFCC posted the *Model Standards* on its website, [afccnet.org](http://afccnet.org), and the Task Force members also widely distributed them for comments. The Task Force received many thoughtful and articulate comments which were carefully considered in making substantive and editorial changes based upon the feedback that was received. Even the name of this document was changed to "Guidelines for Parenting Coordination" to indicate the newness of the field of parenting coordination and the difficulty of coming to consensus in the United States and Canada on "standards" at this stage in the use of parenting coordination. The AFCC Board of Directors approved the Guidelines on May 21, 2005.

**The members of the AFCC Task Force on Parenting Coordination (2003 – 2005) were:** Christine A. Coates, M.Ed., J.D., *Chairperson and Reporter*, Linda Fieldstone, M.Ed., *Secretary*, Barbara Ann Bartlett, J.D., Robin M. Deutsch, Ph.D., Billie Lee Dunford-Jackson, J.D., Philip M. Epstein, Q.C. LSM, Barbara Fidler, Ph.D., C.Psych, Acc.FM. Jonathan Gould, Ph.D., Hon. William G. Jones, Joan Kelly, Ph.D., Matthew J. Sullivan, Ph.D., Robert N. Wistner, J.D.

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<sup>1</sup> See AFCC Task Force on Parenting Coordination, *Parenting Coordination: Implementation Issues*, 41 Fam. Ct. Re. 533 (2003).

# **GUIDELINES FOR PARENTING COORDINATION**

## Overview and Definitions

Parenting coordination is a child-focused alternative dispute resolution process in which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs, and with prior approval of the parties and/or the court, making decisions within the scope of the court order or appointment contract.

The overall objective of parenting coordination is to assist high conflict parents to implement their parenting plan, to monitor compliance with the details of the plan, to resolve conflicts regarding their children and the parenting plan in a timely manner, and to protect and sustain safe, healthy and meaningful parent-child relationships. Parenting coordination is a quasi-legal, mental health, alternative dispute resolution (ADR) process that combines assessment, education, case management, conflict management and sometimes decision-making functions.

The Parenting Coordinator (hereinafter referred to as "PC") role is most frequently reserved for those high conflict parents who have demonstrated their longer-term inability or unwillingness to make parenting decisions on their own, to comply with parenting agreements and orders, to reduce their child-related conflicts, and to protect their children from the impact of that conflict. Because the PC makes recommendations and/or decisions for the parties and possibly reports to the court, the PC should be appointed by and be responsible to the court. This delegation of judicial authority is a serious issue and courts should only appoint qualified professionals. The power and authority inherent in the role of the PC are substantial whether stipulated by the parties or assigned by the court. Therefore, it is important that any jurisdiction implementing a parenting coordination program adopt and adhere to guidelines for PC practice and programs.

As the parenting coordination model has been implemented in various jurisdictions, there has been variation in the manner in which the PC practices, the authority of the PC, the stage of the legal process when the PC is appointed and functions, the various roles of the PC, the qualifications and training of the PC, and the best practices for the role.

The alternative dispute resolution process described above as central to the parenting coordinator's role may be inappropriate and potentially exploited by

perpetrators of domestic violence who have exhibited patterns of violence, threat, intimidation and coercive control over their co-parent. In those cases of domestic violence where one parent seeks to obtain and maintain power and control over the other, the role of the PC changes to an almost purely enforcement function. Here, the PC is likely to be dealing with a court order, the more detailed the better, rather than a mutually agreed upon parenting plan; the role is to ensure compliance with the details of the order and to test each request for variance from its terms with an eye to protecting the custodial parent's autonomy to make decisions based on the children's best interests and guarding against manipulation by the abusing parent. ADR techniques in such cases may have the effect of maintaining or increasing the imbalance of power and the victim's risk of harm. Accordingly, each jurisdiction should have in place a process to screen out and/or develop specialized PC protocols and procedures in this type of DV case. Likewise, PCs should routinely screen prospective cases for DV and decline to accept such cases if they do not have specialized expertise and procedures to effectively manage DV cases involving an imbalance of power, control and coercion.

The purpose of these *Guidelines for Parenting Coordination* ("*Guidelines*") is to provide:

1. detailed guidelines of practice for PCs;
2. guidelines for PCs regarding their ethical obligations and conduct;
3. qualifications for PCs, including relevant education, training and experience;
4. assistance to jurisdictions that are implementing parenting coordination programs by providing guidelines of practice that they can adopt; and
5. assistance to jurisdictions, professional organizations, educational institutions and professionals in the development and implementation of parenting coordination programs.

These *Guidelines* are aspirational in nature and offer guidance in best practices, qualifications, training and ethical obligations for PCs. Although they are not intended to create legal rules or standards of liability, they do provide very specific and detailed recommendations for training and best practices because of the expressed need for guidelines for program development and training. It is understood that each jurisdiction may vary in its practices; however, for parenting coordination to be accepted as a credible professional role, certain minimum guidelines of conduct and best practices must be articulated and followed.

The *Guidelines for Parenting Coordination* include different levels of guidance:

- Use of the term “may” in a *Guideline* is the lowest strength of guidance and indicates a practice that the PC should consider adopting, but, from which the PC can deviate in the exercise of good professional judgment.

- Most of the *Guidelines* use the term “should” which indicates that the practice described in the *Guideline* is highly desirable and should be departed from only with very strong reason.

- The rarer use of the term “shall” in a *Guideline* is a higher level of guidance to the PC, indicating that the PC should not have discretion to depart from the practice described.

### **Guideline I**

*A PC shall be qualified by education and training to undertake parenting coordination and shall continue to develop professionally in the role.*

A. The PC shall be required to have training and experience in family mediation. The PC should become a certified/qualified mediator under the rules or laws of the jurisdiction in which he or she practices, if such certification is available.

B. The PC shall be a licensed mental health or legal professional in an area relating to families, or a certified family mediator under the rules or laws of the jurisdiction with a master’s degree in a mental health field.

C. The PC should have extensive practical experience in the profession with high conflict or litigating parents.

D. The PC shall have training in the parenting coordination process, family dynamics in separation and divorce, parenting coordination techniques, domestic violence and child maltreatment, and court specific parenting coordination procedures. A model training curriculum incorporating four modules is included in these *Guidelines* as Appendix A.

E. A PC shall acquire and maintain professional competence in the parenting coordination process. A PC shall regularly participate in educational activities promoting professional growth. It is recommended that a PC participate in peer consultation or mentoring to receive feedback and support on cases. PC orders and/or private agreements should specify that such professional consultation is permitted.

F. A PC shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the PC’s skill or expertise.

G. A jurisdiction should consider "grandfathering" existing professionals with appropriate experience.

**Guideline II**

*A PC shall maintain impartiality in the process of parenting coordination, although a PC is not neutral regarding the outcome of particular decisions. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual.*

A. A PC shall withdraw if the PC determines he or she cannot act in an impartial or objective manner.

B. A PC shall neither give nor accept a gift, favor, loan or other item of value from any party having an interest in the parenting coordination process. During the parenting coordination process, a PC shall not solicit or otherwise attempt to procure future professional services or positions from which the PC may profit.

C. A PC shall not coerce or improperly influence any party to make a decision.

D. A PC shall not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting coordination process.

E. A PC shall not accept any engagement, provide any service or perform any act outside the role of PC that would compromise the PC's integrity or impartiality in the parenting coordination process.

**Guideline III**

*A PC shall not serve in a matter that presents a clear conflict of interest.*

A. A conflict of interest arises when any relationship between the PC and the participants or the subject matter of the dispute compromises or appears to compromise a PC's impartiality.

B. A PC shall disclose potential conflicts of interest as soon as practical after a PC becomes aware of the interest or relationship giving rise to the potential conflict.

C. After appropriate disclosure, the PC may serve with the written agreement of all parties. However, if a conflict of interest clearly impairs a PC's impartiality, the PC shall withdraw regardless of the express agreement of the parties.

D. During the parenting coordination process, a PC shall not create a conflict of interest by providing any services to interested parties that are not directly related to the parenting coordination process.

E. A PC may make referrals to other professionals to work with the family, but shall avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, or similar remuneration shall be given or received by a PC for parenting coordination or other professional referrals.

#### **Guideline IV**

*A PC shall not serve in dual sequential roles.*

A. A PC shall not serve in multiple roles in a case that create a professional conflict.

1. A child's attorney or child advocate shall not become a PC in the same case.

2. A mediator or custody evaluator shall be cautious about becoming a PC in the same case, even with the consent of the parties, because of the differences in the role and potential impact of the role change.

3. A PC shall not become a custody evaluator either during or after the term of a PC's involvement with the family.

4. A PC shall not be appointed after serving as a therapist, consultant, or coach, or serve in another mental health role to any family member.

5. A PC shall not become a therapist, consultant, or coach, or serve in any other mental health role to any family member, either during or after the term of the PC's involvement.

6. A PC shall not become one client's lawyer, either during or after the term of the PC's involvement, nor shall one client's lawyer become the PC in that client's case.

B. A PC should attempt to facilitate resolution of issues by agreement of the parties; however, the PC is not acting in a formal mediation role. An effort towards resolving an issue (which may include therapeutic, mediation, educational, and negotiation skills) does not disqualify a PC from deciding an issue that remains unresolved after efforts of facilitation.

### **Guideline V**

*A PC shall inform the parties of the limitations on confidentiality in the parenting coordination process. Information shall not be shared outside of the parenting coordination process except for legitimate and allowed professional purposes. A PC shall maintain confidentiality regarding the sharing of information outside of the scope of the parenting coordination process, which is obtained during the parenting coordination process, except as provided by court order or by written agreement of the parties.*

A. Parenting coordination is not a confidential process, either for communications between the parties and their children and the PC, or for communications between the PC and other relevant parties to the parenting coordination process, or for communications with the court.<sup>2</sup>

B. A PC shall inform the parties of the following limitations of confidentiality:

1. The PC shall report suspected child abuse or neglect to child protective services whether or not a mandatory or voluntary reporter under state, provincial or federal law; and

2. The PC shall report to law enforcement or other authorities if the 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.

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<sup>2</sup> Parenting coordination is an unusual type of intervention that does not fit within the existing framework of rules and laws dealing with the subjects of "statutory privileges," "rules of evidence," and "professional codes of ethics" related to the subject of "confidentiality" and statements made by parents or people involved in any disputed parenting case. In cases not involving a PC, the statements of parties may be protected from use as evidence in the dispute resolution process, for any of those reasons. However, the essence of the PC concept is that all such confidentiality protections need to be stripped away, so the PC is free to make quick decisions based upon all knowledge the PC has obtained from the parties and other sources. Consequently, in order for the PC to be empowered to operate freely and effectively in the role of expeditious dispute resolver, appropriate provisions need to be included in the written agreement and/or court order of appointment for the effective waiver of all privileges and rules of evidence or professional conduct regarding confidentiality which may be waived. In addition, a clear statement should be included to provide that the PC will not provide either party with legal advice or representation or psychotherapy, and the parents are advised to seek any such advice from independent providers of their own choice. The parents are entitled to a very clear and unambiguous description of the privileges and rules they are being asked to waive in order to empower the PC to perform the rather unique services contemplated in the parenting coordination process. Likewise, the PC has a significant concern with establishing a barrier from complaints of unprofessional conduct from disgruntled parents who are not happy about PC decisions.

### **Guideline VI**

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

A. A PC serves an assessment function. The PC should review the custody evaluation, other relevant records, interim or final court orders, information from interviews with parents and children and other collateral sources, domestic violence protection orders, and any other applicable cases involving criminal assault, domestic violence or child abuse, educational records, and analyze the impasses and issues as brought forth by the parties.

B. A PC serves an educational function. The PC should educate the parties about child development, divorce research, the impact of their behavior on the children, parenting skills, and communication and conflict resolution skills. The PC may coach the parties about these issues.

C. A PC serves a coordination/case management function. The PC should work with the professionals and systems involved with the family (e.g. mental health, health care, social services, education, legal) as well as with extended family, stepparents, and significant others.

D. A PC serves a conflict management function. The PC's primary role is to assist the parties to work out disagreements regarding the children to minimize conflict. The PC may utilize dispute resolution skills from principles and practices of negotiation, mediation, and arbitration. To assist the parents in reducing conflict, the PC may monitor the faxed, emailed, or written exchanges of parent communications and suggest more productive forms of communication that limit conflict between the parents. In order to protect the parties and children in domestic violence cases involving power, control and coercion, a PC should tailor the techniques used so as to avoid offering the opportunity for further coercion.

E. A PC serves a decision-making function. When parents are not able to decide or resolve disputes on their own, the PC shall be empowered to make decisions to the extent described in the court order, or to make reports or recommendations to the court for further consideration. PCs should communicate their decisions in a timely manner in person or by fax, e-mail or telephone. In the event decisions are provided orally, a written version shall follow in a timely manner.

F. A PC shall not offer legal advice.

### **Guideline VII**

*A PC shall serve by parent stipulation and/or formal order of the court, which shall clearly and specifically define the PC's scope of authority and responsibilities.*

A. A court order is necessary to provide the PC authority to work with the parents outside of the adversarial process, to obtain information, and to make recommendations and decisions as specified in the order.<sup>3</sup>

B. In addition to the court order for the PC, a written agreement between the parties and the PC may be used to detail specific issues not contained in the court order, such as fee payments, billing practices and retainers.

C. The court order or consent order should specify a term of service for the PC, including starting and ending dates.<sup>4</sup> Parents can request that a PC continue for additional terms of service following the expiration of each term or can decline to renew the PC's services. Similarly the PC can give notice prior to the end of the term of service that the PC will not continue to serve as PC.

D. A PC should not initiate providing services until the PC has received the fully executed and filed court order appointing the PC, or the parents, their counsel (if any) and the PC have signed a consent agreement, if any.

### **Guideline VIII**

*A PC shall facilitate the participants' understanding of the parenting coordination process so that they can give informed consent to the process.*

A. The position of the PC is one of considerable authority and power. It is important that parents fully understand the extent of the parental rights and power they are assigning to the PC in the form of decision-making, the limited nature of the confidentiality of the process, the professional persons with whom the PC will be authorized to consult or obtain information, and what the parents' rights are in seeking redress with the court.

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<sup>3</sup> In some jurisdictions, a stipulation or consent decree is required for the appointment of a PC. A few jurisdictions allow the court to appoint the PC on its own authority. In Canada, the authority of the PC to make decisions is derived from arbitration statutes and a PC may function with the parents' consent only.

<sup>4</sup> Many experienced PC's have found a period of 18 months to 2 years to be optimal in terms of becoming familiar with the family and developing a working relationship with the parents.

B. In the first session, a PC should carefully review the nature of the PC's role with the parents, to ensure that they understand what the parenting coordination process involves.

### **Guideline IX**

*A PC shall fully disclose and explain the basis of any fees and charges to the participants.*

A. All charges for parenting coordination services shall be based upon the actual time expended by the PC or as directed by the local jurisdiction's parenting coordination program. All fees and costs shall be appropriately divided between the parties as directed by the court order of appointment or as agreed upon in the PC's written fee agreement with the parties with the approval of the court.<sup>5</sup>

B. Prior to beginning the parenting coordination process, and in writing, a PC shall explain to the parties and counsel the basis of fees and costs and the method of payment and any fees associated with postponement, cancellation and/or nonappearance, as well as any other items and the parties' *pro rata* share of the fees and costs as determined by the court order or agreed to by the parties with approval of the court. In cases of domestic violence involving power, control and coercion, the PC shall hold individual sessions with the parties to convey this information.

C. Activities for which a PC may charge typically include time spent interviewing parents, children and collateral sources of information; preparation of agreements; correspondence, decisions and reports; review of records and correspondence; telephone and electronic conversation; travel; court preparation; and appearances at hearings, depositions and meetings.

D. The PC should comply with any local statute, constitutional rulings, or practice rules regarding fees. A PC may request a retainer or advance deposit prior to starting a case.<sup>6</sup> The parties should be billed on a regular basis and notified when the retainer or advance deposit, if any, is to be replenished.

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<sup>5</sup> Typically the fees are split equally between the parties, although if their assets and income differ substantially, fees may be apportioned accordingly. In states that have the Income Shares child support guidelines, courts sometimes apportion responsibility for PC costs in the same percentages as child support is apportioned. The court, rather than the PC, should make a determination of the appropriate ratio of payment based on the available financial data. The order may also include a provision for the parent coordinator to alter the usual ratio of payment if one parent abuses the process. In the event that a party requests judicial review of a parenting coordinator decision and does not prevail, the court may order full payment of fees by that party.

<sup>6</sup> In some jurisdictions, the PC also requires a refundable deposit from each party for any fees and expenses incurred but not paid prior to ending the case.

E. A PC shall maintain records necessary to support charges for services and expenses and should make a detailed accounting of those charges to the parties, their counsel or the court on a regular basis, if requested to do so.

**Guideline X**

*A PC will communicate with all parties, counsel, children, and the court in a manner which preserves the integrity of the parenting coordination process and considers the safety of the parents and children. The PC will have access to persons involved with family members and to documentary information necessary to fulfill the responsibilities of the PC.*

A. Because parenting coordination is a non-adversarial process designed to reduce acrimony and settle disputes efficiently, a PC may engage in *ex parte* (individual) communications with each of the parties and/or their attorneys, if specified in writing in the order of appointment, PC agreement or stipulation. The PC may initiate or receive *ex parte* oral or written communications with the parties and their attorneys, legal representatives of the children, and other parties relevant to understanding the issues. The PC should do so in an objective, balanced manner that takes into consideration the possibility or perception of bias. The PC should communicate agreements, recommendations, or decisions to all parties and counsel at the same time.

B. If reports are written, the PC should follow the court's rules or instructions regarding whether the court should receive a copy. The PC shall not communicate *ex parte* with the judge.

C. The PC typically should have access to any persons involved with family members including, but not limited to, the custody evaluator, lawyers, school officials, and physical and mental health care providers. The PC shall have the authority to meet with the children, any stepparent or person acting in that role, or anyone else the PC determines to have a significant role in contributing to or resolving the conflict. The PC should notify any such collateral sources that information obtained from them is not confidential and that it may be used in making decisions or writing reports or recommendations to or testifying in court.

D. The PC should have access to all orders and pleadings filed in the case, as well as the custody evaluation report, school and medical records of the children, and reports of psychological testings that were generated prior to, during or after the pendency of the case. The court order should require that the parties execute releases and consents to permit access to such data and other relevant information.

E. The PC should have initial individual and/or joint interviews with the parties, and may want to interview the children if the PC has the appropriate training and skills. PCs may interview any individuals who provide services to the children as needed to assess the children's needs and wishes. The communication between the parties may be in joint face-to-face meetings, telephone conference calls, individual face-to-face or telephone meetings, e-mail, or fax. The PC should determine whether separate or joint sessions are most appropriate at any particular time. In cases of domestic violence involving power, control and coercion, the PC shall conduct interviews and sessions with the parties individually.

F. The PC shall be alert to the reasonable suspicion of any acts of domestic violence directed at the other parent, a current partner, or the children. The PC should adhere to any protection orders, and take whatever measures may be necessary to ensure the safety of the parties, their children and the PC.

G. The PC should be alert to the reasonable suspicion of any substance abuse by either parent or child, as well as any psychological or psychiatric impairment of any parent or child.

H. The PC should keep notes regarding all communications with the parties, the children and other persons with whom the PC speaks about the case.

I. A PC shall document in writing all resolutions agreed upon by the parties or determined by arbitration, noting the process by which the agreement or decision was made.

J. The PC shall maintain records in a manner that is professional, comprehensive and inclusive of information and documents that relate to the parenting coordination process and that support decisions and recommendations by the PC.

#### **Guideline XI**

*A PC should attempt to facilitate agreement between the parties in a timely manner on all disputes regarding their children as they arise. When parents are unable to reach agreement, and if it has been ordered by the court, or authorized by consent, the PC shall decide the disputed issues.*

A. A PC may be granted the authority to make decisions for the parties when they cannot agree, or the PC may be allowed only to make recommendations to the parties or the court. The scope of the PC's decision-making authority may be limited in some jurisdictions by constitutional law or statute. A PC should be knowledgeable about governing law and procedure in the PC's jurisdiction regarding decision-making or arbitration by the PC.

B. A PC shall have only the authority that is delegated in the court order or the consent provided by the parties. If so written in the order or consent agreement, a PC may have authority to resolve the following type of issues:

1. Minor changes or clarification of parenting time/access schedules or conditions including vacation, holidays, and temporary variation from the existing parenting plan;
2. Transitions/exchanges of the children including date, time, place, means of transportation and transporter;
3. Health care management including medical, dental, orthodontic, and vision care;
4. Child-rearing issues;
5. Psychotherapy or other mental health care including substance abuse assessment or counseling for the children;
6. Psychological testing or other assessment of the children and parents;
7. Education or daycare including school choice, tutoring, summer school, participation in special education testing and programs or other major educational decisions;
8. Enrichment and extracurricular activities including camps and jobs;
9. Religious observances and education;
10. Children's travel and passport arrangements;
11. Clothing, equipment, and personal possessions of the children;
12. Communication between the parents about the children including telephone, fax, e-mail, notes in backpacks, etc.;
13. Communication by a parent with the children including telephone, cell phone, pager, fax, and e-mail when they are not in that parent's care;
14. Alteration of appearance of the children including haircuts, tattoos, ear and body piercing;

15. Role of and contact with significant others and extended families;
16. Substance abuse assessment or testing for either or both parents or a child, including access to results; and
17. Parenting classes for either or both parents.

C. The PC should use or gather written or verbal statements of the dispute from each party, as well as other relevant sources of information. The methodology used by the PC shall be fair to both parties, and be transparent to both the court and the parties. Each party shall be given an opportunity to be heard in the process. Notice shall be given as to what is expected from the participation of the parties and the consequences of nonparticipation. If one party refuses to cooperate after notice, then the PC may continue to resolve the dispute.<sup>7</sup>

D. The PC shall issue a written resolution of the dispute or a verbal decision in time sensitive matters to be followed by a written decision.<sup>8</sup>

E. A PC shall refrain from making decisions that would change legal custody and physical custody from one parent to the other or substantially change the parenting plan. Such major decisions are more properly within the scope of judicial authority. PCs may need to make temporary changes in the parenting plan if a parent is impaired in his or her functioning and incapable of fulfilling his or her court-ordered parenting functions until further information and assessment is obtained and the court has assumed decision-making responsibility.

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<sup>7</sup> In some jurisdictions, the PC must notify the parties of the intent to proceed to an arbitration phase if the parties do not reach agreement on their own or with the assistance of the PC.

<sup>8</sup> There is variation in the destination of the PC's recommendations and decisions. In most but not all jurisdictions in which PCs are appointed by court order, the PC is expected to send all recommendations, reports, and decisions to the court, as well as to each parent and their attorneys. Where the PC has not been appointed by the court, PCs should prepare recommendations, reports and decisions in such a manner that the court can access the information if requested. In most jurisdictions, that determination becomes an order and is considered binding. Standards for appeal and judicial review vary from jurisdiction to jurisdiction.

**Guideline XII**

*A PC shall not engage in marketing practices that contain false or misleading information. A PC shall ensure that any advertisements regarding qualifications, services to be rendered, or the parenting coordination process are accurate and honest. A PC shall not make claims of achieving specific outcomes or promises implying favoritism for the purpose of obtaining business.*

## **APPENDIX A:**

### **RECOMMENDATIONS FOR COMPREHENSIVE TRAINING OF PARENTING COORDINATORS**

*A Parenting Coordinator ("PC") should have training in each of the following subject areas as reflected in the modules below. It is anticipated that mental health and legal professionals will have acquired some of the knowledge and experience in the competency areas listed, particularly in Section II, and in mediation training. Training programs may want to accommodate different levels of prior training and experience by offering training in these four modules and developing a process for exempting certain professionals from any of the modules where competency is established. Individual jurisdictions should set guidelines, approve trainings, and assign trainers to ensure that candidates can demonstrate minimum competencies in order to begin practice, and should require the completion of scheduled follow up trainings to achieve mastery within a reasonable amount of time. Individual jurisdictions and provinces might consider developing mentoring programs to provide consultation and support for beginning "PCs" to reinforce and develop the skills that are covered in the recommended subject areas.*

#### **Module 1: The Parenting Coordination Process**

- A. The various functions of the PC
- B. Limitations of the parenting coordination process, including the difference between parenting coordination and parent education, therapy, custody evaluation and dispute resolution processes
- C. Professional guidelines of practice for PCs
  - 1. The interplay between other professional guidelines and professional practice guidelines and local/state guidelines for court-appointed PCs
  - 2. The potential for conflict of interest of the PC and the people to whom parenting coordination services are offered
- D. Issues that are appropriate and not appropriate for parenting coordination
- E. Characteristics of individuals who are appropriate and not appropriate to participate in the parenting coordination process
  - 1. Appropriate courses of action when confronted with substance abuse during the parenting coordination process
  - 2. Screening for domestic violence and appropriate courses of action when confronted with domestic violence during the parenting coordination process

3. The effect of domestic violence on parents involved in the parenting coordination process
  4. Situations in which the PC should suggest that the parties contact the supervising judicial officer, independent legal counsel, postpone or cancel the parenting coordination session, suspend the parenting coordination process, or refer the parties to other resources
- F. When to refer parties to services for child protection or elder abuse, and the issue of confidentiality as it applies to each
- G. Special needs of the *pro se* or *pro per* party

## **Module 2: Family Dynamics in Separation and Divorce**

- A. Psychological Issues in Separation and Divorce and Family Dynamics
1. The impact divorce has on individuals and on family dynamics and the implications for the parenting coordination process
  2. Useful psychological research and theories applicable to the intervention for high conflict families
  3. How emotions impact on divorce issues and on a party's ability to participate effectively in the parenting coordination process.
  4. Sources of divorce/separation impasses, including parental behaviors associated with personality disorders, and the related implications
  5. How to promote awareness by the parties of the interests of persons affected by actual or potential agreements, who are not represented during the parenting coordination process
    - a. The impact of grandparents, step-parents and significant others on family systems and the parenting coordination process
    - b. Situations in which participation of non-parties (e.g., grandparents, children, new spouses) may be necessary in the parenting coordination process
- B. Issues concerning the needs of children in the context of divorce
1. The needs and adjustment of children and the effect of divorce on their relationships with their mother, father, step-families, siblings and others in the family relationship
  2. Child(ren)'s developmental stages and how they relate to divorce and parenting arrangements

3. The impact the parenting coordination process can have on the children's well-being and behavior
  4. When and how to involve children in the parenting coordination process
  5. Indicators of child abuse and/or neglect and the process and duty to report allegations of child abuse and/or neglect
- C. Dealing with high conflict parents
1. The impact of parental conflict and appropriate parenting on children's well-being
  2. The dynamics of child alignments, estrangements and alienation
  3. Various parenting arrangements that consider the needs of the child(ren) and each parent's capacity to parent, including modifications for high conflict situations
- D. Dealing with domestic violence issues
1. The different research-based types of domestic violence, including conflict-instigated violence, violence involving power, control, and coercion (often referred to as male battering), female violence, and separation-engendered violence
  2. The unique problems and inherent dangers presented by domestic violence of all types in terms of parental contacts, and the need for safe PC procedures and child exchanges
  3. The importance of monitoring compliance with the parenting plan and reporting to a judicial officer any infractions of the court order, including the parenting plan
  4. The psychological impact of domestic violence on child and adolescent development
- E. The different co-parenting relationships of cooperative, parallel, and conflicted parenting

### **Module 3: Parenting Coordination Techniques and Issues**

- A. Structuring the parenting coordination process
1. The initial session and preparing the parties for the process
  2. Scheduling the time and location, and establishing the format of each conference and focusing discussion
  3. Structuring and managing the discussion, maintaining control of the sessions, and utilizing appropriate case management skills

4. Managing separate sessions, telephonic and e-mail communication
  5. Maintaining appropriate records and documentation as a PC
- B. The PC's informed consent, including limits on confidentiality
  - C. The PC's service contract and fee allocation
  - D. The role of the parenting plan in the parenting coordination process, including how to develop, monitor and modify a parenting plan
  - E. The characteristics that enhance or undermine the effectiveness of the PC including, but not limited to: demonstrating empathy, building rapport, establishing trust, setting a cooperative tone, sympathetic listening and questioning, empowering the parties, remaining non-judgmental, language use, and non-verbal communication skills
  - F. Awareness of personal biases, prejudices and styles that are the product of one's background and personal experiences that may affect the parenting coordination process
  - G. Socio-economic, cultural, racial, ethnic, language, age, gender, religious, sexual orientation and disability issues, which may arise and/or affect the parties' negotiation styles, ability or willingness to engage in the parenting coordination process
  - H. Building on partial agreements including when and how to switch between dispute resolution processes
  - I. Arbitration procedures, appropriate arbitration decisions, and writing and filing arbitration decisions/awards
  - J. Appropriate techniques for handling difficult situations
  - K. Appropriate boundaries of a PC
    1. Safety procedures for those participating in the parenting coordination process
    2. Office safety policies and working with clients having current restraining and protective orders
    3. Establishing appropriate limits for client demands
  - L. When and how to use outside experts effectively
    1. How to assist the parties in deciding on appropriate community resources
    2. Developing a list of social service resources, including those for domestic violence situations
  - M. The impact of high conflict client behavior on the parenting coordination process and the PC and avoiding professional burn-out
  - N. Reasons for a PC to decline an appointment, withdraw or request

- appropriate assistance including, but not limited to, when the facts and circumstances of the case are beyond the PC's skill or experience
- O. The Americans with Disabilities Act (ADA) requirements and strategies for handling situations when faced with disability issues or special needs

#### **Module 4: Court Specific Parenting Coordination Procedures**

- A. The PC's responsibility to the court
- B. Knowledge of and adherence to jurisdiction-specific qualifications for a PC
- C. Mentorship and certification requirements, if applicable
- D. Local/state/province family law as it may pertain to the parenting coordination process
  - 1. The state statute and/or rule governing family parenting coordination
  - 2. The difference between neutrality and impartiality as it applies to parenting coordination and the ability to demonstrate each appropriately
  - 3. Legal concepts as they relate to the parenting coordination process including, but not limited to: geographic relocation, equitable distribution, child support, law of modification, parenting time adjustment, law of relocation, law of due process law of *ex parte* communication and law of privilege
  - 4. The statutory constraints of parenting coordination where domestic violence exists and/or protective orders are in place
- E. How and when the PC should interface with the court system
  - 1. The appointment and discharge processes of the PC
  - 2. The importance of a court designation to the parenting coordination process
  - 3. The ethical constraints on confidentiality and both in relation to the entire parenting coordination process and separate sessions within the process
- F. Forms utilized in local courts pertaining to parenting coordination and local court procedures
- G. How to work with legal, mental health and other professional disciplines, and promote cooperation among those dealing with the family H. When and how to utilize a qualified expert and/or a team approach to best serve the parties in the parenting coordination process

- H. The grievance procedure contained in the local/state rules for PCs, if any
- I. Possible ethical dilemmas that may confront a PC and how to avoid them

***Domestic Violence Training:*** *The need for additional and/or separate training on domestic violence should continue be considered in setting up a PC training program.*

**APPENDIX B:**  
**BEST JUDICIAL AND PROGRAM PRACTICES**

A parenting coordination program operates most efficiently and effectively when judges understand, support and are involved in the formation of the program. Judicial monitoring of the program, the PCs and their work is essential to protect parents, children and PCs. The process is most effective at weaning the parties from litigation when judges encourage them to rely on the PC to resolve their disagreements and discourage ongoing court proceedings. To these ends, the following best practices for the judiciary and for program development are recommended.

1. Scope of Authority:

In some jurisdictions, the role or scope of authority of the PC may be limited by the provisions of state constitutions, statutes, court rules or case law on public policy considerations regarding the delegation of a court's authority to protect the best interests of children in contested custody and parenting time cases. Some jurisdictions permit those disputes to be resolved in private arbitration, while other jurisdictions prohibit arbitration as against public policy (*parens patriae* doctrine). Consequently, local law should be researched carefully before a new parenting coordination program is designed.

2. Qualifications of PCs:

In jurisdictions establishing or revising a parenting coordination program, it is recommended that judges appoint qualified professionals to undertake this difficult work as the best means for achieving the goals of the court. Judges in each jurisdiction are encouraged to establish a means for confirming the qualifications and training of mental health and legal professionals seeking to be appointed as PCs. This information should be available for review by parents and lawyers considering a PC.

3. Standard Order:

It is recommended that each jurisdiction initiate an interdisciplinary effort, appointed by the judiciary, to develop and adopt a standard order describing the legal authority, duties, and responsibilities of the PC, issues to be decided, fees, grievance process, and term of service. This will minimize confusing variations in practice for professionals and parents. The order should be signed by the lawyers, parents, and a judge prior to the PC's beginning service.

#### 4. Submission and Objection to PC Recommendations and Reports to Court:

There is variation in the destination of the PC's recommendations and decisions. In most, but not all jurisdictions, where PCs are appointed by court order, the PC is expected to send all recommendations, reports, and orders of decision to the court, as well as to each parent and any attorney. Where there is no court-appointed authority, PCs should prepare recommendations, reports, and decisions in such a manner that the court can access the information if requested.

#### 5. Parent Grievances Regarding the PC and Objections to Recommendations and Decisions:

When PCs are appointed by the court or by consent agreement, it is important that the order contain clear language and procedures to handle parent grievances regarding the PC and to handle parent objections to the PC's recommendations and decisions, including wishes that the PC be removed. Some orders include language that indicates that the PC can be removed or disqualified on any of the grounds applicable to the removal of a judge, referee or arbitrator. It has been found to be helpful to articulate a series of steps for managing such grievances, which may stem from PC's acting in an unprofessional manner or may arise from anger about the PC's recommendations or decisions which were not favorable to the complaining party. These procedures have been developed to protect PCs from unfounded complaints to the professionals' licensing boards and also to provide parents with sanctioned avenues for seeking redress.

One grievance model requires that the complaining parent first set up and attend an appointment with the PC to discuss the grievance, prior to initiating any court proceedings for removal or complaining to the licensing board, in an attempt to resolve the grievance. If no resolution is reached, both parents and the PC then attend a judicially supervised settlement conference prior to any action being taken. The court reserves jurisdiction to determine if the PC's time and expenses should be reimbursed in part or totally, including any attorney's fees incurred by the PC. If either the complaining party or the PC believes that the complaint cannot be resolved, either party can file a motion to the court to terminate the PC's services. The judge is the final gatekeeper on the grievance process unless there is a PC certification body.

As an arm of the court with judicially delegated authority, PCs should be afforded quasi-judicial authority and immunity to protect them from lawsuits.

#### 6. Standard Procedures and Literature:

Parenting coordination programs may consider developing and adopting a standard parenting coordination information pamphlet that describes in clear and simple

language what the parenting coordination model is, what the objectives of the parenting coordination process are, how the PC functions, the limitations on confidentiality, and what type of decisions the PC is typically authorized to make in the event of unresolved disputes. This educational sheet can routinely be made available to parents and lawyers who are considering the appointment of a PC.

Jurisdictions should consider establishing an appointment conference with the judge soon after the decision to use a PC. At the conference which the parties, their attorneys, any children's advocates and the proposed PC must attend; the order or consent agreement is signed and distributed, the PC's role and authority are explained, fees are determined, initial appointments are scheduled, releases and contracts are signed, and responsibility for providing documents and other information is assigned, all with the goal of commencing the pc process without delay.

Each local jurisdiction should consider creating a committee to facilitate the establishment of local rules (if any), standardized procedures and orders, and needed training, and to provide PCs with peer feedback.

## **APPENDIX C:**

### **PARENTING COORDINATORS AND THE CANADIAN EXPERIENCE**

It is to be noted that the Canadian experience with respect to PCs may differ substantially from the process as utilized in the United States.

First and foremost, the Canadian constitutional framework does not permit judges to delegate to third parties any judicial or quasi-judicial functions. In essence, this means that it is not possible for a judge to order the parties to attend and work with a PC under any circumstances and, accordingly, it is also not possible for a judge to order parties to attend with a PC who has arbitral powers or any decision-making powers. That would be considered an improper delegation.

Nevertheless, there is a significant increase in the number of families that are utilizing the services of a PC in order to help them resolve parenting issues. This process in Canada is always on consent. In Canada, the parties, if desirous of using a PC, enter into a Parenting Coordinator Agreement. This Agreement usually gives the PC both mediation and decision-making powers, and the limitation of the PC's powers is set out in the Agreement. Usually this means that the PC can attempt to mediate any parenting issues that do not fundamentally change the structure of the Parenting Agreement and, failing mediation, the PC can arbitrate and, thereby, resolve the parenting dispute.

It is common for the parties to incorporate the Parenting Coordinator Agreement into a court order. This does not constitute improper delegation by a court but is a recognition that the parties are thereby agreeing to arbitrate their parenting issues and this forms a submission to arbitration under the various provincial arbitration Acts that exist in each province. That is, the courts are no longer supervising the parenting issues that are covered in the Parenting Coordinator Agreement and the parties are bound by the Parenting Coordinator Agreement to arbitrate the issues for the terms set out in the Parenting Coordinator Agreement.

In Canada, therefore, it is very common that PCs are both mediators and arbitrators in the same case. That also means that the PC, when arbitrating, may utilize information learned in the mediation process to inform the PC as to how the decision on the disputed issue will be resolved.

There are virtually no PCs in Canada that would confine their role to just arbitration, and most lawyers have found that to confine a PC's role to strictly mediation is not effective. Accordingly, a hybrid model has developed in Canada that allows the PC to both mediate and arbitrate.

## APPENDIX D:

### Members of the AFCC PC Taskforce 2003-2005

*Chairperson and reporter:* Christine A. Coates, M.Ed., J.D. is an experienced Colorado family law attorney who now emphasizes alternative dispute resolution (ADR) in domestic relations and has been an innovator in interventions for high conflict parents. She also is an adjunct professor at the University of Colorado School of Law and the author of articles on parenting coordination, high conflict families and ADR. A former president of AFCC and the chair of the first AFCC Parenting Coordination Task Force, she is the President of the Institute for Advanced Dispute Resolution and is a popular national speaker and trainer in conflict resolution, parenting coordination and family law. She co-authored *Working with High Conflict Families of Divorce* (Jason Aronson, 2001) and *Learning From Divorce* (Jossey-Bass, 2003).

*Secretary:* Linda Fieldstone, M.Ed. is supervisor of Family Court Services of the 11<sup>th</sup> Judicial Circuit of Florida, a parenting coordinator and trainer, and Certified Family Mediator, assisting the circuit in the development of its current PC program, policies and procedures. She is on the Board of Directors of AFCC, currently the President of the Florida Chapter of AFCC, and serving as Coordinator for the FLAFCC PC Interest Group and FLAFCC PC Taskforce. Ms. Fieldstone was appointed to the Florida Supreme Court Parenting Coordination Workgroup which has developed a PC Administrative Order/Order of Referral/Training Program which could be utilized uniformly statewide.

Barbara Ann Bartlett, J.D. has been an attorney for 20 years in Tulsa, Oklahoma and has been on the ground floor of the family law court reforms for Tulsa since they began in the early nineties. She was a co-author of the first Parenting Coordinator legislation in the nation that passed the Oklahoma legislature in 2001 and wrote the *amicus curiae* brief in support of it in the first constitutional challenge of a PC statute. She is on the Bar Register of Preeminent Lawyers.

Robin M. Deutsch, Ph.D. is a psychologist at the Massachusetts General Hospital where she is the Co-Director of the Children and the Law Program of the Law and Psychiatry Service. She is an Assistant Clinical Professor of Psychology at Harvard Medical School. Her work has focused on the application of child development research to children's adjustment to divorce, the evaluation of families involved in family change, parenting issues, and management of high conflict divorce. She is the co-author of 7 Things Your Teenager Can't Tell You (and How to Talk About Them Anyway) (Ballantine, 2005). Dr. Deutsch is a member of the Board of Directors of the AFCC and the Massachusetts chapter of AFCC (of which she is a former president). She is frequently invited to provide educational and scientific presentations to judges, lawyers, and mental health professionals

Billie Lee Dunford-Jackson, J.D. is the Co-Director of the Family Violence Department of the National Council of Juvenile and Family Court Judges. She works on law and policy issues pertaining to child custody and child protection in the context of domestic violence and provides training and technical assistance to practitioners seeking new approaches to working with families where both mothers and children are abused. She was instrumental in developing and launching the National Judicial Institute on Domestic Violence and continues to play an active role in the Department's expanding educational programs for judges and court personnel handling domestic violence caseloads. Ms. Dunford-Jackson received her Masters and Juris Doctor degrees from the University of Virginia and practiced law for sixteen years, much of her caseload devoted to representing victims of domestic violence, before joining the Department in 1997.

Philip M. Epstein, O.C. LSM is a lawyer in Toronto, Ontario, Canada.

Barbara Fidler, Ph.D., C.Psych, Acc.FM. is a registered psychologist and accredited mediator practicing in Ontario, Canada. She has been working with high conflict and custody/access disputing families since 1982, providing various interventions including: treatment, education, assessment, mediation, parenting coordination, supervision, training and consultation. Dr. Fidler is a frequent presenter on high conflict families and related topics. Her practice includes marital/couple, individual (child, adolescent, and adult) and family therapy. In addition to maintaining an independent practice, Dr. Fidler is a member of Family Solutions, which provides a team intervention with high conflict families.

Jonathan Gould, Ph.D. is a psychologist in Charlotte, North Carolina.

Hon. William G. Jones is a retired Chief District Court Judge from Charlotte, North Carolina. He was instrumental in establishing a parenting coordination program there and in implementing other initiatives to facilitate the resolution of child custody disputes. He is also active in the National Council of Juvenile and Family Court Judges.

Joan Kelly, Ph.D. is a psychologist, researcher, and mediator, who was Director of the Northern California Mediation Center for 20 years. Her research, clinical, and teaching career of three decades has focused on child and family adjustment to divorce, custody and access issues, child development, divorce and custody mediation, and parenting coordination. She has published 75 articles and chapters in these areas of interest, and is co-author of Surviving the Breakup: How Children and Parents Cope with Divorce. Dr. Kelly has been honored for her work with many awards, including the Distinguished Mediator Award from the Academy of Family Mediators, Fellow of the American Psychological Association, and the Stanley Cohen Distinguished Research and Meyer Elkin Awards from AFCC. Joan presents seminars and keynote addresses throughout the

United States, Canada, and abroad.

Matthew J. Sullivan, Ph.D. is a clinical psychologist in private practice in Palo Alto, California, specializing in forensic child and family psychology. He has written articles, presented and done training at numerous national and international venues on topics such as high-conflict divorce, parenting coordination and child alienation. He is currently on the editorial board of the Journal of Child Custody.

Robert N. Wistner, J.D. is a Board Certified Specialist in Family Relations Law in Columbus, Ohio. After 30 years as a family law litigator, he limits his practice to non-adversarial family dispute resolution processes. In addition to service as a member on the first AFCC Task Force on Parenting Coordination, he has served as Vice-Chair of the Ohio Task Force on Family Law and Children and is currently a member of the Ohio Supreme Court Advisory Committee on Children, Families and the Courts.

Critical Issues for Consideration when Developing Practical Parenting Plans  
For Families in Conflict:  
A Working Guide

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Thank you to the other professionals who have contributed to the development of this guide through consultation with our ad hoc committee .

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## Introduction

### Preamble:

Family breakup and divorce is a potentially disorganizing and very challenging event in the lives of children and parents. This is more profoundly so in families where parents are in high conflict or have the potential to become embroiled in intense disagreements regarding the subsequent parenting of their children. In order to limit the impact of the dissention on the children, it is critical to consider many issues in the development of the parenting plans and agreements that will subsequently govern the responsibilities exercised by parents in the rearing of their children.

Generally, the paramount guideline is to vary the specificity used in parenting plans depending on factors such as:

1. Level of conflict – as conflict increases and parents cannot effectively communicate about even mundane issues, more issues need to be anticipated and addressed in the parenting plan and more specificity is required about each individual issue
2. Age of child – parenting plans regarding preadolescent children often require more specificity than do those affecting adolescent children.

In high conflict families, often the essential goal is to develop parallel parenting times so parents do not have to negotiate, work out details, or place the child in the middle of their conflict. Such arrangements create a more peaceful environment for the child who can in turn devote energies to learning, playing, relating to family and friends, and basically to being a less worried child rather than to monitoring parents' reactions and fretting about the possibility that parents might interact in a negative, hostile, and even physically aggressive manner. Also, the child can then surrender the tasks of pacifying parents, telling each what he or she wishes to hear, and/or taking over responsibilities for emotional nurturance and caretaking.

In a general sense, parents need to remember that children are constantly developing and changing and that as they get older, they can have increasing input into decisions that concern them. This begins when they are very young and make such mundane choices as to what cereal to eat for breakfast or what socks to wear. In families where parents do not live together, some young children might make decisions about what toys or items of clothing they take between homes. By the age of seven or eight years, they may be able to contribute to such decisions as birthday party planning and choice of extracurricular activities within specified parameters, such as a time or financial budgets. By some point in their teenage years when children have achieved mature thought and can consider the options and the consequences of their actions, they might have major input into the structure of their living arrangements. At the same time, there are no firm guidelines about the ages at which children are capable of these increasingly significant decisions and parents must be sure to not over empower children in the decision-making process. To do so prematurely subjects them to lobbying from parents and puts them in the stressful and untenable position of choosing between the two most important people in their lives. Given these considerations, clearly any parenting plan should be a living document that adapts to the children's ages and capacities. Consequently, parents will somehow need to establish a way to have some ongoing dialogue throughout the children's growing years so appropriate adaptations to parenting plans are possible.

### Basic Definitions:

In many parenting plans and court orders today, parents share guardianship of their children. This generally means that both parents legally have input into the major decisions about the children's lives, such as in regards to education, religion, medical care, extracurricular activities, relationships with extended family members and friends, and travel opportunities. Even in high conflict situations, joint responsibility is often the norm. Also, parents usually share parenting time for their children using various previously agreed-upon schedules. During each person's parenting time, that parent normally makes the day-to-day parenting decisions regarding the child.

Parents also need to distinguish among parenting styles, preferences, and true safety issues. A parenting style is essentially the routine approach that a parent uses in interacting with, managing demands, and disciplining a child. Most parents have a strong preference that others respond to and parent their child in a similar manner, given that they believe this is best for the child. A particular child's parents may very well differ in their beliefs and styles of parenting. Children often can adapt to differences in parenting styles between the two homes and in reality, there is no one right way to parent. For example, a child will not be irreparably harmed if he or she has regular formal meals at a table or eats more informally. Differences in such expectations and routines become problematic when they affect the child's daily functioning. Safety issues are non negotiable, given that a child may become at risk for harm or neglect.

It is not uncommon to find parenting plans and formal court orders for shared parenting with joint decision making in high-conflict families. Such arrangements only more strongly emphasize the need for increased specificity in the orders and parenting plans that are made about children so as to eliminate points of contention and conflict.

### Use of this Guide:

This document is intended to be a guide for parents who are in the process of establishing parenting plans. It reviews a number of critical issues for consideration as parents begin to make parenting plans that truly address their children's needs. Personal review of these issues is important prior to entry into negotiations, but this guide might also be used during actual negotiation process. Use of the guide is likely to be of particular value in families where parents are in high conflict over the parenting arrangements for their children. Also, portions may also be a useful reference when parents are in the process of updating a parenting plan developed when their children were much younger.

Finally parents should note that although this guide does not address the negotiation of child support arrangements, given that legal guidelines for these determinations exist, some of the issues discussed below may very well impact on the monetary arrangements that exist between parents.

Who Developed this Guide:

This guide evolved from the close collaboration of various professionals who have extensive experience in helping families evolve parenting plans for their children and who support children and families in the aftermath of family separation. Not only did seasoned psychologists, counselors, lawyers, and mediators participate in the development of this document, but they consulted with educators, physicians, parents, and others who experienced the distrust and dissention either first-hand or in their contacts with separating families.

## Parenting Schedules

Parents have many options when they develop day-to-day parenting schedules for their children. In this process, parents may want to consider:

- Parental abilities to be available for parenting on predictable and reliable basis
- Parental employment schedules
- Ages and developmental needs of the children
- School schedules
- Proximity of parents' homes to each other and to school, child care providers, and extracurricular activities
- Parental capacities to communicate with each other
- Children's capacities to manage change, including the limitation of transitions to minimize stress on the child
- Capacity of families to flexibly alter arrangements without generating conflict
- The need to evolve and change parenting plans as children grow and family circumstances change.
- Setting predictable transfer days and parenting times so both parents and children can make plans

### Clarification of terminology

Parents need to make sure they understand the terms they are using in the negotiating process. For example, many confuse a co-parenting plan with a parallel parenting plan. The first requires continuous, open, and flexible communication between parents regarding many issues. Parents verbally negotiate ongoing changes to their plan as required. In a parallel parenting situation, a detailed parenting plan is in place that entails minimal contact and communication between parents. The plan is rigid and changes, if any, are effected through a formal negotiation process.

### Common examples of parenting schedules

Parents can structure their day-to-day parenting schedules in many ways and do not need to be bound by traditional arrangements. For example, children only "visited" with their fathers every second weekend in previous years, thereby limiting children's opportunities to be raised by both parents. Although some parents still choose to implement such a plan, many other options exist that allow parents to share parenting responsibilities and opportunities, with scheduling patterns often revolving around a fourteen-day repeating schedule. The following are a sampling of possibilities:

- Alternating block times on a weekly, bi-weekly, or monthly basis.
- Nine day/five day schedules, with or without contact in the nine-day stretch. The five-day parenting period often extends from Thursday to Tuesday, or Thursday to Monday if a mid-week contact is planned.
- Three weekends of parenting by one parent a month with the child spending the remainder of the time with the other parent.

Two, two, five, five-day schedule (2-2-5-5) – parenting times alternate through Monday and Tuesday, Wednesday and Thursday, Friday to Tuesday, Wednesday to Sunday – This schedule allows for both weekday and weekend parenting periods for each parent, eliminating longer absences of the child from either parent that may be particularly problematic for younger children.

Schedules that follow predictable work shifts for parents. For example, firefighters, police officers, and nurses may have schedules that are known for weeks or months in advance.

#### Later variations in parenting schedules

While developing a parenting plan, parents may wish to consider the possibility that plans will need to be later adapted and changed. For example, teenagers may wish to vary their childhood schedules as social, employment, and school factors shift. Also, families may relocate for a number of reasons. Such adaptations may be more manageable if parents consider this possibility initially. Thus, regardless of the reason for relocation, parents may want to develop a plan about how arrangements would change.

### Communication Issues

Regardless of whether families are intact or separated, all parents must communicate with each other about their children. In high-conflict families, such communications are often difficult and may inflame the conflict rather than settle it. Consequently, it is often desirable to limit communication between parents as much as possible. Even so, and despite the use of sufficiently detailed parenting plans, some communication is occasionally necessary and may be optimally structured by considering the following issues.

#### Types of information that can be exchanged directly between parents without the presence of a third party, such as in mediation or another process of alternate dispute resolution:

- Medical emergencies, such as emergency visits or admissions to hospital
- Significant medical or dental issues, such as
  - medications
  - referrals to specialists
- Significant issues with the child's behavior or discipline, such as:
  - police involvement with the child
  - disappearance of the child
- New and significant school issues, such as:
  - referral to special programming
  - truancy
  - suspensions
- Minor adjustments in plans, excepting when the adjustment becomes point of contention between parents

#### Types of information not to be exchanged or discussed directly between parents without the presence of a third party, such as in mediation or another process of alternate dispute resolution:

- Major changes in parenting plans
- Criticism of the other parent's parenting style and parenting decisions, such as:
  - structuring of homework
  - eating in front of the television
- Issues from the past marital relationship

#### Frequency of direct information exchange between parents :

- Does the parenting plan need to be structured in a way that specifies parents are to communicate directly only in emergency situations?
- Are parents able to communicate directly about more than the critical information outlined above without the involvement of a third party?
- Can parents work towards scheduling a regular time for communication, such as once a month or once weekly?
- How should a parent respond if the other parent is communicating overly frequently, such as daily or many times during a single day?

How the communication occurs:

How do parents plan to exchange information, such as:

- in person
- by telephone
- by letter
- by e-mail

Is e-mail the preferred method of communication, given it allows for a written record that automatically records the time of the message and the identity of the sender?

Is voice mail, text messaging, and caller ID recording of conversations acceptable if agreed upon by both parents?

Do parents need to consider having communications copied to neutral parties on each side to reduce the negativity in them?

If the use of e-mail is the established mode of preferred communication, when will a telephone call be required?

Is face-to-face discussion between parents acceptable or will parents eliminate this possibility if they establish transfer protocols that do not permit any physical proximity between them, except perhaps in the situations that involve very young children?

If face-to-face communication is planned, what steps can parents take to ensure that the child witnesses only civil and matter-of-fact communication between parents rather than spiteful and negative exchanges that impact very negatively on the child?

Time frames for responding to communications from the other parent:

Excepting emergency communication by telephone, do parents need to mutually specify the time within which the other parent must reply to a communication, such as 24 hours or 48 hours? This may depend upon various factors, such as the frequency with which parents access their messaging system.

## Educational Issues

### Enrollment:

- Who decides what school the child will attend?
- Under what name will the child be registered?
- What last name will the child use on a daily basis in the classroom?
- Who will complete the yearly registration forms?
- Who designates the people to be contacted in the case of an emergency?
- Is the school to contact the other parent first in the case of an emergency?
- How will double registrations be avoided?
- Under what conditions will a change in schools be warranted?
- If the children must change schools, how will parents divide responsibilities for enrollment and cost?

### Values:

Given that parents may have divergent values regarding the importance of various aspects of the school experience and that children may very well flounder when parents are not equally supporting certain aspects of their education, do parents need to specify a common statement of values regarding educational issues, such as:

- need to attend neighborhood or local school
- need to attend on a daily basis or acceptance of absences for holidays and other activities
- required daily homework, such as none or a minimal or significant amount

Do parents need to specify strategies each will employ so as to support the child to function in agreement with their mutually agreed-upon values?

### Costs:

- Who pays the basic school fees?
- Who pays extra costs, such as:
  - materials – calculators, books, lost books, supplies
  - field trips'
  - pizza days, etc.
  - gym strip
  - sports equipment, mouth guards
  - CTS
  - glasses
- Who pays for lost or broken belongings, such as:
  - shoes,
  - glasses
  - orthodontic appliances
  - mouth guards
  - gym strip

Transportation:

- Where will the bus pick-up and drop-off location be located?
- Who pays for transportation costs?
- Who besides the parents is allowed to pick up or drop off the child, e.g. grandmother, new partner, nanny, neighbor, parent of child's friend?

Special Educational Needs:

- Who signs consents for assessment procedures?  
e.g. psychology, occupational therapy, physical therapy, speech therapy
- Who contributes to developing the Individual Program Plan (IPP) and who has the authority to sign it?
- Who consents to placement in a special class, program, or school and does the short or long-term nature of the placement alter this?
- What mechanism will be used if parents disagree about the assessments and/or interventions?
- Who pays for the fees and extra transportation costs of such programming?
- Who decides if the child needs extra services such as tutoring, and who takes the child to these sessions and pays for them?

Changeovers in Parenting Times:

- What is the actual time of day that the transfer of parenting responsibility occurs?  
e.g. 8:30 a.m., 3:00 p.m.
- Which parent is responsible during the child's school day on a transfer day?
- Who is to be called if the child is ill, hurt, or otherwise must leave the school setting on a changeover day?
- Who is responsible for provision of care on a professional day, early dismissal day, or day during which school is cancelled, e.g. snow day, water main break?
- Can the parent who is not the designated parent on a particular school day take the child out of school to attend various appointments and who books such appointments?
- Can the parent who is not the designated parent on a particular school day take the child out of for lunch or come to the school to eat lunch with the child on school property?
- Can either parent take children out of school early or return them late from weekends or holiday periods?
- Is there a designated maximum amount of time that children can miss school for such optional activities as holiday travel?

Transfers of Materials:

- How are transfers of clothing and materials to be handled between homes if these are indeed transferred during changeovers from one parent's care to that of the other?
- Should the child take only school materials along if the transfer is to occur at school and how might other belongings be transferred if this is indeed necessary?

What happens if needed possessions are forgotten in one home and must be retrieved after the child has transferred to other parent's care?

Children with Organizational Difficulties:

What special considerations may be needed to manage issues such as homework, assignments and projects, notices, and materials?

Do arrangements need to be made to allow the child to e-mail work projects to a home account to permit continued work on them without the possibility of loss or misplacement between school and either of their homes?

Communication Between Home and School:

Who receives the report card, school newsletter, and other notices?

Are duplicate copies of notices and newsletters available for both parents?

Does each parent assume responsibility for making arrangements with the school to receive copies of such information or is one parent responsible for making copies of all of this information for the other? Note: the first alternative may be the better option in high-conflict situations.

Who signs the report card?

How will school picture orders be managed?

How will book orders be managed?

Who attends the parent-teacher interviews?

Must parents attend parent-interviews together or can they book two separate interviews or must they alternate attending parent-teacher interviews?

Can a parent bring a new partner, neighbor, relative, or friend to the parent-teacher interviews?

How are situations handled where information is sent to one parent that must be followed up by the other during their parenting time, such as:

baking cookies for a special day

providing snacks for a kindergarten or playschool class

preparing child for a wild hair day, weird hat day, etc.

Can this problem be solved in early school years if each parent obtains a copy of the monthly activity calendar?

Parent Participation in School Activities:

Can both parents volunteer at school?

During what activities can parents volunteer? e.g. classroom, field trips, library duties

Can a parent volunteer during the other parent's parenting time?

Are parents allowed to be on the school property on other than their parenting times and are they allowed to wait in the hallways, look in windows, etc.?

Are both parents allowed to be on school property at the same time?

What happens if both parents arrive at the school and conflict erupts?

Should police be involved if a conflict erupts?

Can new partners, friends, and extended family members attend school events, such as concerts?

If the number of attendees is limited, who picks the people that can attend the event?

When both parents are attending an activity, such as a school concert, do they need to agree ahead of time about where each will sit, about who will bring and take the child home, and about the nature of contact between all parties so that the child does not have to choose one parent over the other?

Provision of the Court Order to the School:

What procedures will be put in place to ensure that the school setting has the most recent court order?

Will one parent be designated to undertake this task in a timely manner?

Should the school be provided only with the portion of the court order that pertains to that setting rather than the whole order, given the personal and private nature of some of the information it contains? If so, how will this be achieved?

### **Exchanges/Transfers Outside of the School Setting**

While many families opt to have the majority of exchanges and transfers of the children between the parents take place in an educational setting, others schedule transfers in alternate settings. In families where school is used as the primary transfer point, non school transfers are needed during holiday periods. In families where children are not in school or where schools have banned transfers in that setting, given the animosity and untoward behavior from parents, alternate transfer locations are needed.

#### General Principles:

When younger children are involved, there is generally more need for contact between parents during transfers. At all times, the child's physical safety is critical. However, this must be balanced with the potentially emotionally devastating impact that snide remarks, verbal arguments, or physical interchanges can have on children who are transferring from one parent's care to that of the other parent.

#### General Considerations:

The child's age is a primary consideration in establishing immediate and later plans for the management of transfers of children between parents: infants may need to be transferred from one parent's arms to those of the other parent but as children get older, they may be able to cross a threshold, walk up steps, or walk up a front pathway on their own.

How old is the child?

Is there any need for direct contact between parents except for the very young child?

If a child is a toddler or preschooler, can he or she walk alone with parents passing the child's hand from one to the other parent at the door?

If the child is of school age, can he or she walk up the sidewalk alone while the parent remains in a vehicle on the curb?

Is drop off by the parent returning the child to the other parent preferable to pick-up by the receiving parent, given that it may very well eliminate undue waiting periods at the curb while a child readies to depart?

What parameters are necessary regarding the acceptable degree of each parent's physical entry into the other parents home? For example, parents may define the limit as needing to stay in a vehicle or stand on the curb, sidewalk, bottom step, or top step, or perhaps they might be permitted one step inside the home if the weather is cold?

Does the parent who is dropping off the child need to call the other parent on a mobile phone so the receiving parent can be waiting at the door to receive the child?

Who can accompany a parent when he or she is dropping off or picking up a child?

If another person plans on accompanying a parent during the transfer, can this person be a new partner of one of the parents, given the inflammatory effect this may have on the receiving parent and its concomitant potential to significantly increase the stress experienced by the child?

When a child must walk to a door alone, does the receiving parent need to signal the other waiting on the curb or in a vehicle that the child has entered the home and is safe before the other parent departs?

#### Transfers in Neutral Locations:

If consideration cannot be given to transfers of children at the doors to the parent's homes, what neutral location might provide for the physical safety of the child while preventing direct contact between parents? For example, transfer of the child at school, daycare, in a mall, or in a coffee shop with two doors might provide the required security for the child.

Can an older child or adolescent safely take public transit between his or her two homes as a way to eliminate direct and upsetting contact between parents?

#### Transfers Handled by a Third Party:

Is a third party required to physically transfer or supervise the exchange of the child? Who is acceptable to both parents while also being known to the child?

Can this person maintain a sufficiently neutral stance so as to limit, rather than increase, the child's confusion and stress?

#### Setting the Time of Transfer:

Given the child's natural rhythms and activity schedule, is a morning, afternoon, or evening transfer likely to most ease the transition for the child?

Does the returning parent need to ensure the child has a meal or snack just prior to the transfer so that the child is less irritable during the transfer?

Is the transfer set at a time that permits the child to relax and settle into routines before he or she must undertake such basic tasks as homework or getting reading for bed?

If the child returns to the other parent in an evening prior to a school day, which parent has responsibility for ensuring the child's homework is completed?

Can parents agree to return the child in a rested and not over-stimulated state to the other parent?

#### Parental Behavior and Communication During Exchanges:

Generally in high-conflict situations, parents should not discuss any "business" over the child's head during transfers. Such discussion should be structured as outlined in the portion of their parenting plan that specifies how issues are to be discussed and resolved.

Can parents communicate at all?

Must comments be limited to notifying the receiving parent of issues such as illness, special school days and other activities?

What words should be used to say good-bye and greet the child so that the child does not feel pressured or constrained? For example, if a child is so attuned to

- the animosity and conflict that he or she will not hug or kiss a parent in the presence of the other parent, a different greeting may be necessary
- Are parents able to tell the child to "Have a good time" when they are leaving so that the child has permission to enjoy time with the other parent?
- Do both parents need to institute rituals that cue the child and ease his or her transition between homes, such as having a snack, reading a special story, packing a special stuffed animal, or exchanging a special hug prior to transferring the child?
- Can parents say good-bye and leave promptly so that the child is less likely to become agitated?
- Can parents be courteous, cordial, and polite during the exchange to limit the child's anxiety?

Delayed Returns:

- What is the scheduled return time?
- What is an acceptable reason for the delay, such as a car accident, flight delay?
- What procedures are to be used if a parent is delayed in taking the child to an exchange or picking a child up? What phone number should be called?
- What are the procedures if a parent arrives to pick up a child, and the child is not ready or even at home?

### **Extracurricular Activities, Including Fundraising Activities**

The need to be enrolled in extracurricular activities varies considerably from child to child. At all times, this need for organized and structured activities must be balanced by the need for unstructured interaction with peers and family members and for completely unstructured individual time. The latter is important as it helps children to learn to amuse themselves, a critical life skill. A child's personality, temperament, abilities, talents, and wishes must all be taken into account when planning organized extracurricular activities as must the cost, the time spent traveling to and from the activities, and the demands of other family members. At all times, parents must remember that children learn much about life, values, and other basic skills through everyday and routine contact and interaction with them, siblings and friends, and extended family. Through interaction during meals, chores, homework, and other daily activities, parents model basic living skills, attitudes, problem-solving strategies, and social skills.

#### General Principles:

Activities must be matched to the age, interests, personality, and temperament of each child and it is important to avoid over programming children. Generally, younger children are likely to benefit more from home-based activities such as eating with family members, opportunities for free play, and reading with parents than from traveling to engage in structured activities, especially during the dinner and evening hours. Older children may benefit more from participation in organized activities although it is important to allow for family time and relaxation on a daily basis. It may be useful to maintain already established extracurricular activities in the immediate post-separation period, excepting when precluded by very marked changes in financial and other circumstances. At all times, parents must keep the possibility in mind that children may change activities as they mature. Older children generally have more input and say in the choice of extracurricular activities, much as is necessary when parents still live together.

#### Choosing Extracurricular Activities:

What are parental values about the importance of specific extracurricular activities, such as participation in sports or more arts-related activities?

How old is the child?

What are the child's personality or temperamental characteristics and how do these impact on activity choice? For example, a child with a difficult temperament may not do well with needing to adapt to new activities that necessitate new instructors and group members on a frequent basis; the child may do much better with an ongoing activity led by the same instructor? Another child might not do well in team sports, but do very well in an individual sport.

What are the child's wishes?

At what time of day does the activity occur?

Is the desired activity/lesson available during a part of the day so that it does not interfere with meals, family time, and other daily routines such as homework and a regular bedtime?

Will the activity or activities create such a busy schedule that the child and parents become overly stressed?

- What activities do siblings participate in and what stresses do these generate for family members? For example, younger children may be detrimentally impacted by the extensive travel time required to take siblings to activities, and from the need to sit-and-wait in various venues while siblings participate in activities.
- What is the frequency and competition level of the activity, i.e., community league v. competitive league?
- What is the cost of the activity, in terms of fees and equipment, and what budgetary limitations exist?
- What transportation commitments are required from both parents to support the child's participation or will one parent be responsible for all of the transportation?
- Is carpooling permitted and are both parents available to reliably participate?
- Are additional financial and often unpredictable time commitments necessary to support such activities as tournament competition or participation in various shows and artistic productions?
- What is the child's previous history and enjoyment of a specific activity?
- Does the child still enjoy participating in the activity and find it both fun and interesting or does he or she participate to please a parent or reduce conflict between parents?
- Is participation worth it for the child, especially if tension increases with the possibility that parents may argue about the child's participation or have nasty exchanges if they encounter each other?

When parents cannot agree on extracurricular activities:

- Do parents each need to pick an activity for the child, taking the child to it only during their parenting time, while still considering the impact that missing half the lessons, games, or practices might have on the child's feelings or developing skills?
- Can each parent pick one activity and yet make arrangements to ensure the child regularly attends both this choice and that of the other parent?
- Can parents resolve impasses and disagreements by agreeing to pick the extracurricular activity for the child on alternating years?
- Are parental disagreements such that they preclude the child's participation in any activity?
- Do parents need to seek an arbitrator to decide the child's activities?
- Parents must consider the impact on the child that arises from their decisions, such as:
- missing a portion of the extracurricular activity:
  - poorer skills due to missed practices or lessons, e.g. in music, hockey, dance
  - socialization with peers or team undermined
  - decreased capacity to bond with team or cast members
  - increased vulnerability for bullying
  - absence from special occasions such as display nights or performances

Involvement of Parents as observers/spectators:

In order to avoid situations where children are subject to, embarrassed about, or worry about parental encounters during extracurricular activities, parents must consider the following questions:

- Who takes the child to the activity, including both regular and special events?
- Can parents wait for the child at the venue?
- Can both parents attend various tournaments and performances and how will this be managed?
- What other persons can parents bring with them to various lessons, practices, tournaments, and performances?
- When can these other persons accompany parents?
- Can parents attend an activity as an observer when the child is in the care of the other parent?

Involvement of Parents as Volunteers and Coaches:

- Can either parent assume a role, such as coach, manager, volunteer coordinator, equipment or uniform manager, stage producer, or costume manager, in the child's extracurricular activity, while knowing that he or she will need to attend the activity during the other parent's designated parenting time?
- If parents agree that a parent can assume such a role, does this impact arrangements regarding who takes the child to the activity and who can attend as an observer?
- What arrangements are necessary to avoid a detrimental impact on the child if parents encounter each other while one is volunteering or assuming other roles in the child's activity?
- Which parent will accompany the child and/or the team on out-of-town road trips?

Involvement of Parents in Fundraising Efforts:

- If fundraising is required for the child's participation in an extracurricular activity, who will do it?
- Can one parent do fundraising activities in lieu of monetary contributions toward the costs?
- If a parent is not completely in favor of an extracurricular activity but is still required to contribute monetarily, must he or she still participate in fundraising efforts?
- If there is a no-show penalty or if a parent does not appear for a fundraising job or function, what are the consequences for that parent, i.e., forfeit of a portion of the deposit?

Costs:

- Who pays for the registration costs of the extracurricular activities?
- If parents do not share the costs, is each responsible for the costs of the activity he or she selects?
- Who pays for the required equipment?
- Who pays for replacement costs of required equipment if it is outgrown, broken, or lost?

Extracurricular Activities

Are parents willing to reduce some of the cost of required equipment by purchasing second-hand equipment?

Regardless of who ultimately pays for the equipment, who is responsible for selecting and purchasing the equipment?

Who pays for lessons?

Who pays for the costs of necessary transportation, lodging, and meals on required out-of-town travel that is part of the extracurricular activity?

Who is responsible for paying for optional team materials, such as a team jacket, fleece shirts, or warm-up suit?

Who pays for social activities associated with the extracurricular involvement, such as pizza night fees or gifts for coaches or teachers?

Is there a yearly limit to allowable costs for activities, i.e., a budget?

Is there a way to manage escalating costs over the course of the child's participation in an activity so that each parent can anticipate and plan for the increased financial demands? For example, costs for hockey and musical theater often rise dramatically with the child's progress.

Notification regarding cancellations or changes in scheduled extracurricular activities:

Can arrangements be made so that the organization notifies both parents of cancellations or changes in planned activities or is the organizational policy such that only one parent can be notified? Who will this be and how will that parent notify the other and in what time span?

In situations where both parents might be planning on attending an activity and the child cannot attend due, for example, to ill health, how and when will the parent notify the other?

How will parents resolve a conflict in scheduling between two activities?

This might include such conflicts as:

hockey pizza night v. choir practice

overlap between two sport activities as the seasons change – play offs in one with tryouts for the next

Notification regarding medical emergencies that occur during extracurricular activities:

What degree of injury necessitates immediate notification of the other parent?

Is it broken bones, stitches, or an ambulance trip to the hospital?

What primary contact number should be used to notify the other parent?

If the parent is busy or unavailable, should someone else be notified in the parent's stead who will then attempt to contact the parent about the child's injury so that the immediate parent can direct attention to obtaining appropriate medical services for the child?

### Peer Contacts

Children often benefit from contacts with their peers outside of school or during extracurricular activities. Again, parents need to take the child's personality, temperament, abilities, interests, and wishes into account when arranging such activities. Additionally, parents need to ensure the safety of these contacts in both their own homes as well as in those of the child's peers. While the immediate parent will make the daily decisions about contacts with peers during his or her own parenting time, conflicts may emerge when children receive invitations to social events and activities that occur during the child's time with the other parent. It is always critical to insure adult supervision during such activities, much as parents would do if they still resided in the same home.

#### Invitations to social events such as birthday parties, sleepovers, and excursions:

Regardless of the child's location, when an invitation arrives, who makes the decision regarding attendance? For example, it is often preferable for the parent in whose care the child will be on the day of the event, to make the decision about attendance.

How will the notification about the invitation or the event be communicated to the other parent who will be making the decision?

Whose responsibility is it to RSVP?

Who will buy the gift if the event is a friend's birthday party?

If the invitation is for the child to accompany a friend on a weekend or holiday excursion away from his or her home community, who gives consent? Should the principle noted earlier be employed so that the parent expected to be in the immediate parenting role at the time of the excursion is the parent who gives consent?

Who is responsible for buying special clothes and buying/renting equipment for the excursion?

Who is responsible for providing spending money or phone cards for the child's use during the excursion?

On such an excursion, is the child permitted to leave school early or return late to accommodate the host child's family schedule?

If the excursion is to a location out of the country, who will provide the passport and necessary documentation?

#### Arrangements for the Child's own birthday party:

If a party with peers is planned, will the child have only one of these each year or will parents each hold a separate party?

Which parent will host the party?

Will parents alternate hosting on a yearly basis?

Will the party be held on the hosting parent's parenting time? (likely a good idea)

For themed parties, how is the theme chosen, is cost an issue, and how will costs be divided? For example, some parents plan, host, and pay for the party during the year in which it is his/her responsibility. Others jointly decide and share costs.

What happens if a parent chooses a theme that is objectionable to the other parent?

Does the child have a say in choosing the theme?

How do parents balance the child's wishes and the number of peers invited, against costs and the parent's available energy?

Does the child even want a birthday party with peers?

Does the child prefer to celebrate with one or two friends or with a large group of peers?

Where will the party be held – home or other venue?

Who sends the invitations and receives the RSVPs?

If loot bags are planned, who buys the treats and assembles the bags?

Can both parents attend the peer party, particularly if it is not held at the home of one of the parents? How would the child feel about both parents coming to the party?

How would the child feel if both parents attend the party and yet cannot be respectful of each other?

If both parents do attend the party and conflict arises, who is designated to depart so the child can relax and not be subject to emotional stress and embarrassment?

Can other adults attend the party, such as the grandparents, aunts, uncles, cousins, and new partners? Again, consider how the child would react and feel and what is the plan if tension and conflict arise.

Particular caution is warranted when parents plan to jointly attend a birthday party held in the home of either parent.

In regards to gifts received at the party, where do they remain? Are they considered to be the child's property and the child can take them between homes as he or she wishes or do they stay in the host parent's home, i.e., child's property or home-specific property?

Safety issues:

Will parents take steps to ensure that the child is supervised properly when visiting with peers, such as by talking to the friend's parent to determine the specific arrangements?

What special considerations are necessary to ensure the child's safety:

if the child is dropped at a movie with friends

if the child is dropped at a shopping mall with friends

if the child plans to ride public transit alone or with friends

At what age can the child be left home alone?

At what age and under what circumstances is the child permitted to assume the responsibility of baby sitting?

## Family Celebrations

Many children are part of much larger extended families who celebrate various special occasions together as a larger family group. Consideration must be given to if and how the child's attendance at such celebrations is to be accommodated. In most situations, the event can be celebrated on a different day but in some, such as a wedding or memorial service for a very close relative or person with whom the child has or had a significant relationship, the parent has little say in the scheduling and accommodations may be necessary.

### Family Celebration of Child's Birthday:

For the child's personal birthday gift(s) from parents, will a joint gift be chosen or will each parent simply purchase separate gifts?

If a joint gift is planned, how will this be purchased and who will pay for it?

Will arrangements be made for the child to see each parent on his or her birthday or is the stress for the child so increased that such a plan is not reasonable?

If the child is to see each parent on his or her birthday, what is the best structure for the contact after considering travel time, transfer arrangements, length of visit, and the next day's activities, such as attending school?

If the child goes to spend time with the other parent on his or her birthday, must that other parent pay back the time to the parent in whose care the child usually is on that day?

Is it a better plan for each parent to celebrate the child's birthday when the child is in his or her care?

### Family Celebrations, such as Parent's Birthday, Mother's Day, and Father's Day:

Will arrangements be made for the child to spend time with each parent on the parent's celebration day or are the changes in the usual parenting patterns such that the added stress makes such alterations unworkable?

In making these arrangements, consider whether the child is already in that parent's care, how long a visit might be, the travel required, and how the transfer is structured.

Also consider the disruptions to the child's schedules and the potential for nasty interaction and conflict erupting versus the benefits that might accrue to the child from sharing this time, especially if the arrangements and transfers can be made in a neutral or positive manner.

If parents decide to make arrangements for contact with a parent that does not occur in his or her usual parenting time, does that parent need to pay back the time to the other parent?

Is there any detriment that accrues to the child from celebrating these occasions during regular parenting times with each parent?

Family Celebrations of Family Birthdays, Anniversaries, Reunions, Funerals, Religious Ceremonies:

- Can these celebrations be scheduled in each parent's already established parenting times so that added conflict between parents and the consequent stress for the child is reduced?
- When the dates for special celebrations with members of the extended family are out of a parent's control and the parent does not have the child in his or her care on the set date, can special arrangements for the child's attendance be possible?
- What special celebrations might fall into this category?
- How much notice must be given to the other parent about such events?
- Does the parent pay back the time, perhaps by trading a weekend?
- What is the time compensation required, especially when several days are used in traveling to an out-of-town or distant location?
- Who buys or prepares the child's special clothing for the event?
- Who buys the gifts required for the celebration?
- Who pays for travel costs?
- Is a passport and travel letter required? Who arranges and pays for such documents?  
Who retains the travel documentation after travel is completed?
- In large family gatherings, how will the parent supervised the child and ensure his or her safety?
- What happens if the other parent has high distrust in the extended family members' capacity to act in appropriate and safe ways around the child?
- Who makes the final decision about the child's attendance?
- What happens if the child does not want to go to the event?
- What happens if the child already has significant activities scheduled for the day and his or her absence might have a negative impact, e.g. high school diploma exams?
- If the child or a parent is being baptized or is participating in a religious ceremony, will the other parent be invited or can special arrangements be made to allow the child to attend the ceremony?

## Holiday Arrangements

During the course of a child's year, various holiday periods occur when the child has scheduled breaks from the usual routine of attending school and extracurricular activities. These are normally known well in advance and permit opportunities for parents to schedule various holiday trips, camps, or other activities. To accommodate such activities, the usual parenting schedule is often varied. Parents need to thoughtfully consider how the regular parenting schedules will be varied during these periods, if at all.

### Common holiday periods:

Breaks in regular school schedules may include:

Teachers' convention/Family Day holiday (often 5-days long in Alberta in February)

Spring/Easter/Passover Break (often at least 10 days long and may or may not include a separate Easter long weekend)

Summer holiday (6-8 weeks depending on if the school has a traditional or modified program)

Winter/Christmas break (often 14-16 days long)

Extended Religious holidays in which children do not attend school

When are the holiday periods for the children in this family?

### Variations in the Usual Parenting Schedule:

Are parents agreeable to varying the regular parenting period to accommodate holiday periods?

Have parents established a regular transfer day, such as Thursday, that already allows for easier accommodations for long weekends throughout the year and may very well ease the transitions into longer holiday periods?

If parents plan to change the regular parenting schedule during these holiday blocks of time, will parameters be set that are applied on a yearly basis?

Alternatively, do parents prefer to negotiate the dates for larger holiday blocks of time on a yearly or holiday-by-holiday basis, keeping in mind that this may very well generate more disagreement and conflict.

Given that parents' work and holiday schedules often differ from the child's scheduled school

holidays, it is often wise to plan holiday schedules on a yearly basis rather than on a holiday-by-holiday basis. The latter may result in confusion and sometimes crisis situations.

How do parents plan to vary the regular parenting schedule, perhaps alternating summer holiday periods on a 4-week, 2-week, or 1-week schedule? Some establish the holiday parenting schedules depending upon whether the year is even or odd. For example, a child spends time with the father at the beginning of winter break for all evenly numbered years and with the mother on all odd years.

Are parents able to anticipate changes in the activities planned during holiday periods, attuning to the child's age and thereby also meeting the child's needs rather than only those of the parents?

Are parents sensitive to the child's age and needs in determining the length of holiday blocks, given that a young child may have difficulty tolerating long separations from a parent on whom he or she is highly dependent. A longer-term plan that gradually increases holiday length is sometime a prudent accommodation.

Short-notice changes and accommodations:

What procedures, if any, may be used and under what circumstances to accommodate the situation where a parent is not informed about his or her allotted holiday periods until shortly before the actual holiday period with the child? Many parents have little control over their own employment schedules and cannot make plans far in advance.

What, if any, is the minimal notice required for changing schedules to accommodate a parent's planned vacation periods?

If last minute changes occur, as in the situation where a parent cannot take the child during their designated holiday period, is the other parent expected to change their own plans to accommodate caring for the child? Parents need not feel pressured or guilty about being unable to make these accommodations.

How will the children be informed of their cancelled holiday and the alternate arrangements?

If a parent cannot take time off work to accommodate all of the children's holiday periods, what happens in regards to care of the child?

Can the child be in the care of a day-care, baby sitter, new spouse, or member of the extended family during holiday periods? For example, can the child attend day or over night camps or must the parent be personally parenting for the entire holiday?

Reciprocity and payback:

If holiday has impinged on the other parent's time or if a parent makes accommodations to facilitate the other's plan, is reciprocity required? In other words, will time exchanged be made up or paid back?

If payback of time is planned, should this be expected immediately or in the future?

Will this payback time have any effect on the regular parenting schedule?

Child's location when away from home:

Is it important for parents to know where their child is during holidays when not staying at home?

If so, how will this information be provided or exchanged with the other parents, e.g., calls, printed itinerary, voice mail, e-mail?

If a child is leaving the province, will any type of letter or documentation be necessary?

International Travel:

Who will take responsibility for preparing the specific documentation necessary for international travel?

The travel document may include such items as:

Passport

Non traveling parent's permission letter – federal requirement

Non traveling parent must have this notarized. Who pays the notary fee?

Flight and accommodation itinerary – including specific dates and flights

Phone number at accommodations

Non traveling parent's contact information

Specific written permission to seek emergency medical care

Vaccination records or other necessary medical records

Will a passport be necessary for travel?

Who will apply for the passport?

Who will sign as the guarantor for the child's passport?

Who will pay for the passport?

Who will hold the passport?

Who will arrange for necessary travel vaccinations?

Who will pay for vaccinations?

Who will take the child to the travel clinic?

Who will hold the documentation pertaining to the vaccinations?

Under what exceptional circumstances would a parent not be listed as the emergency contact?

Communication with the non traveling parent:

Will the children be expected to call on contact the non traveling parent?

Who pays for the telephone calls?

Will phone cards be provided?

Which way does the call go, such as child to parent or parent to child?

What time are the calls to be made, given that different time zones may result in calls at odd hours?

Do adolescents need to call the non traveling parent?

Special clothing and equipment:

Will any special or new clothing or equipment be required for the holiday?

Who buys it?

Who packs it?

If new clothes or equipment are purchased, who retains it on return and can the other parent use it for the child on his or her own holiday with the child?

Is the situation such that lists of these materials must be retained?

The same considerations would apply to attendance at camps and other structured holiday activities? Although the actual registration costs may be covered under Section 7 expenses, this needs to be clarified.

Costs:

Although in most families parents pay for the child's holiday expenses, such as plane tickets, are there any exceptional circumstances in which this general rule would not apply?

Alternate child care:

In the unusual situation where one parent may take a child on a holiday while leaving the other siblings behind, perhaps because of different school holiday periods, who will care for the siblings staying behind?

If the traveling parent should have those children in his or her care, can they designate a different care provider or does the non traveling parent automatically provide care during the absence? Note that without a formal agreement between parents, schools would likely only be able to release to the actual guardian who is likely the non traveling parent.

Missed school days:

If holidays are planned during designated school days, is it permissible for children to miss any days of school?

Is there a maximum number permissible and should it be related to the child's actual academic performance and their age and grade? For example, a high school student taking mathematics will possibly be handicapped by missing any of his or her instruction.

Child's wishes:

Will the child's wishes be considered in regards to going on the holiday? For example, a teenager may not want to go on a family holiday. In blended families, this issue may create additional complexities.

Travel insurance:

Who will ensure that travel insurance is obtained for the holiday to guarantee that no additional high costs are incurred for emergency care out of the province? Should extra medical costs be incurred, how will they be paid?

## Health and Mental Health Care

During the course of their childhoods, children may consult various health care providers such as family physicians and medical specialists, dentists, orthodontists, naturopaths, optometrists, ophthalmologists, chiropractors, counselors, psychologists, occupational therapists, speech therapists, audiologists, etc.

### Selecting a Health Care Provider:

- Under what circumstances would the children not retain the same health care providers they saw prior to the family break-up, given the strong sense of continuity that children may derive from such relationships?
- If a child requires a new care provider, who selects the provider?
- Under what name will the child be registered with the provider?
- How will a decision about a consultation be made if parents do not agree on the need for the consult or treatment itself?
- How will a decision about a consultation be made if parents do not agree regarding on the actual practitioner?
- When is a second opinion needed and who would pay for this?

### Appointments and Routine Provision of Care:

- Will one parent be responsible for setting appointments and taking the child to the consultations or will parents divide these responsibilities by type of practitioner, parenting time block, employment schedules, the insurance plan subscriber, etc.?
- Alternatively, will they alternate taking the child to appointments while recognizing that this will require more communication between them?
- Will both parents have direct access to the child's records?
- Who retains written documentations, such as the child's immunization record?
- How will information be shared about the findings of the consultations or the treatment progress?
- If a medical practitioner recommends a medication regime for a child, are there any exceptional circumstances where parents do not need to follow the treatment plan? The same would apply for recommendations from other practitioners.

### Emergency Care:

- In the event that emergency care is required, parents should agree that the on-duty parent accurately indicates the contact information for both parents
- Should the parent request that the emergency setting immediately contact the other parent or is that parent willing to make this prompt contact?
- Once notified, should the other parent attend the emergency setting or do circumstances exist that would preclude their attendance, such as a restraining order?
- Will parents be able to maintain civility to ensure that the child is not further traumatized by the experience?
- If one parent does not attend, how will he or she be updated about the child's status?

Costs for Care:

Who pays the basic medical fees?

Who pays extra costs, such as:

extended benefit plans

uncovered portions of costs

medications, supplements, medical appliances, orthotics, special diet,  
corrective lenses

lost orthodontic appliances and corrective lenses

When one parent wishes the child to undergo a specific treatment that is not covered under standard health care, will this be a legitimate extraordinary expense (Section 7 in Canada). In other words, will both parents be contributing to cost?

Who bears the cost of any nonessential medical interventions and materials, such as cosmetic orthodontics or contact lenses?

Transfers of Medical and Related Materials:

When children require ongoing medications, does this travel between homes or will each have their own supply?

What happens if needed materials are forgotten in one home and must be retrieved after the child has transferred to other parent's care?

General Issues regarding Mental Health:

Given that many people are sensitive and cautious about seeking input for mental health concerns and that some people see the need for mental health input for their children as reflecting negatively on their parenting, specific considerations arise in regards to this specific type of intervention.

Parents need to ensure that they are very clear about the limits to confidentiality in this situation:

Can information be shared with both parents and can this include information about the other parent?

Who else might access the information and who would give consent for that access?

Additionally, the role of the professional in life of the child and family must be clearly specified. For example, a counselor cannot assume an assessment role and **cannot make recommendations about custody/access**. Similarly, an assessor cannot also undertake simultaneous counselling with family members. Thus parents must clarify such distinctions (therapist v. assessor) from the very beginning of their contact with a mental health professional.

Values regarding health and mental health care

Given that parents may have divergent values regarding the importance of various aspects of the child's needs for health and other related services, parents need to specify a common statement of values regarding issues, such as:

Conventional v. alternative interventions

Non essential medical interventions , such as cosmetic procedures and body piercing

How religious and cultural practices will be applied in medical and related decision making, such as birth control, alcohol use, etc.

What degree and/or chronicity of a problem must exist before seeking consultation?

## **Religious and Cultural Practices**

Given that religious and cultural practices are based on deeply held beliefs, they have the potential to create marked divisions between parents that in turn impact significantly on children. Parents will need to consider how they will manage their differences while respecting the other parent's beliefs and diversity. Careful management of these issues can contribute much to helping children become tolerant and respectful people.

### Religious Affiliations:

- If parents have the same religious affiliation, are they able to attend the same place of worship?
- In what exceptional circumstances would parents of different affiliations not be free to share their faith and religious practices with the children?
- How will parents come to a consensus about the child's participation in more formal rituals and rites of a religion, considering that some of these involve regular preparation for lengthy periods?
- Who will transport the child to these lessons, participate with the child, pay the accompanying cost, and put on the celebratory reception?
- Are the child's wishes to be taken into account regarding participation in religious activities?
- Are parents agreeable to a child's placement in a religiously based school program?

### Cultural Practices:

- In what exceptional circumstances would parents of different cultures not be free to share their cultural practices with the children?
- How will parents come to a consensus about the child's participation in more cultural practices, considering that some of these involve regular preparation? For example, some children may need to attend language or cultural dance classes on a weekly basis.
- Who will transport the child to these lessons, participate with the child, pay the accompanying costs for lessons and costumes?
- Are the child's wishes to be taken into account regarding participation in cultural activities?
- Are parents agreeable to a child's placement in a culturally based school program?

### **Introduction of New Partners**

A particularly sensitive issue that has implications for a child's adaptation to family separation is the introduction of new partners. Prior discussion of how such introductions are to be handled may very well ease the situation for all family members. Regardless of the presence of new partners, parents must always stay aware that they are and will always remain the child's parents. New partners do not assume primary parenting or decision-making responsibilities even though they may provide some of the day-to-day parenting.

#### New partners

- Do parents want to be informed when the other is planning to introduce the children to a new potential partner?
- How will the introduction be handled?
- By what name will the children call the new partner?
- Will the other parent meet the new partner before the children do and what is the purpose of the meeting?
- How will the children be supported to develop a healthy but non parental relationship with this new partner?
- Under what exceptional circumstances would the other parent not support the child's relationship with the new partner?
- What role, in terms of discipline and parenting, will the new partner fill, keeping in mind that the new partner should remain relatively passive and not usurp the parenting role from either parent?
- What are appropriate or acceptable behaviors between the parent and new partner when the children are present?
- When is it appropriate for a new partner to begin staying overnight when the children are present in the home?

#### Children of the new partner

- When and how will children be introduced to children of the new partner?
- If these children are older, will they be expected to provide any child care to the children?

### Third Party Care Providers

As parents can seldom provide all of the daily care for their children, many engage third party care providers. These child care providers may include:

- Day care
- Nannies
- Day homes
- Relatives
- Neighbors
- Friends
- New partners
- Significant others

#### Initial Choices:

Given that these providers are entrusted with the children's care and safety, how will parents identify and chose these people?

Should the other parent be given first right of care, when a parent cannot provide this ongoing care personally? For example, this might include before and after school care, overnights to accommodate business or out-of-town travel?

Is there a minimum time frame that should apply?

#### Professional child care providers:

Who will interview potential professional child care providers, such as day home operators and nannies?

Who will contract with the provider?

Who will supervise the provider?

Who will pay for them?

Who will claim the child care expenses on a tax return?

If there is one nanny, will the nanny move between homes?

If one parent hires an alternate provider to be used during his or her parenting times, does the other have access to information about that provider and can they speak with that provider? For example, this might include reviewing a copy of a nanny's resume.

How will parents ensure that neither will demand a one-sided allegiance of the care provider, thereby avoiding involving the provider in the conflict and increasing any polarization ?

Who will communicate changes in schedules and absences of the child to the child care provider?

This can be particularly problematic on days when the child is transferring between homes.

Given that third-party care providers often are placed in the situations as educators, readers may want to reference the education section as well.

Nonprofessional child care providers (e.g. family members, friends):

Is there any particular person in whose care the children should not be entrusted due to safety concerns? For example, these may include people with alcohol/substance use, medical problems, etc.

How will parents handle situations where one does not agree with the other's choice of an informal child care provider?

If informal care providers use harsh discipline procedures, such as swearing, name calling, spanking, and slapping, would they be considered inappropriate as care givers?

What types of disciplinary procedures are acceptable for use by a third party?

At what age can older siblings/step-siblings, relatives, or baby sitters care for younger siblings and for how long?

Children Left Alone

Is there a minimum age at which children can be left by themselves and don't require a third party care provider?

For what maximum period can a child be left on their own?

## PARENTING COORDINATION: SELECTED REFERENCE LIST

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April 2006

(with additions by Christine A. Coates as noted with \*)

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## WORKING WITH HIGH CONFLICT FAMILIES

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## SALLY AND JIM SMITH

### History of Marriage

Sally and Jim Smith met when she was 24 and he was 31. They met at work where Sally was a book keeper and Jim was an accountant. They were instantly attracted to each other and started living together almost immediately. Sally pushed Jim to get married which they did after two years of living together and when she became pregnant (unplanned and not by a mutual decision).

Although Jim was an accountant at the time of the marriage, he had always dreamed of opening a book store. Just before their child was born, he quit his accounting job and invested his retirement in the book store. He invested much time and energy into this enterprise and Sally began to feel very neglected. Sally had quit working outside of the home. After Joey was born, she focused her energy and time on him. Jim was not very involved with Joey, partially because of his preoccupation with work and partially because he felt that Sally neglected him and didn't allow him to participate in caring for baby Joey.

Jim had several affairs. Sally had suspicions of the affairs, but didn't confront Jim with her concerns. She had a revenge affair that was short-lived.

When Joey was 3 years old, Jim became involved with Eleanor and fell deeply in love with her. He felt that he had found his soul mate. Shortly after they began their affair, he traveled to Montana with her to visit her parents. He told Sally that he was going to a bookseller's convention. However, Sally was suspicious, checked up on Jim and found out the truth. She confronted Jim with her knowledge of his affair and told him to give up Eleanor or move out. He moved out the next day. He believes that by his actions, he was actually hoping that she would find out about Eleanor and ask for a separation.

### Jim's history:

1. Youngest of three - two older sisters.
2. His mother died when he was 15 and he was devastated. Father was distant.
3. Father died when he was 35.
4. His marriage to Sally was his second marriage. He married the first time when he was 23. His wife suddenly left him after 7 years of marriage.
5. He felt that he got involved with Sally on the rebound.
6. He has married Eleanor and has two more children with her.
7. Very soft-spoken and laid back, except when dealing with Sally.

1. Oldest of 4 children - 3 girls and 1 boy.
2. Emotionally and physically abused by her father; mother in denial about abuse.
3. She had lots of boyfriends, but no long term relationships, no other marriages. Always wanted a child of her own and to be the best mother ever.
4. Very impressed with Jim's wooing of her and his strong interest in her when they met.
5. She has not remarried and has no steady relationships.
6. Dresses quite fashionably in bright, almost neon colors.

#### Joey's History:

1. 8 years old now.
2. Enuresis (wets pants) and terrifying nightmares; tend to occur when transferring between households and when exposed to conflict between parents.
3. Learning and behavior problems at school.
4. Jim says that Joey begs to spend more time with him. Sally says the opposite.

#### Other Information:

1. Jim feels that Sally is waging a holy war against him to keep him from Joey.
2. Sally's view of Jim as an absentee parent triggers her issues about being abandoned by her parents.
3. Prior to the divorce, she had made all decisions for Joey.
4. In and out of court on a regular basis.
5. Sally hanging on tight to Joey, not trusting Jim to parent him adequately.
6. Eleanor has transported Joey for parenting time transfers and to and from sports events. This a major issue for Sally.
7. Jim says that he let Sally get away with too much and now is putting his foot down.

They selected you as their Parenting Coordinator because of their constant conflict and ongoing litigation. The Guardian ad Litem has been very helpful in giving you information about Joey and the litigation history which is extensive. Sally has sole legal custody because Jim didn't want to litigate the issue at the time of the divorce. He wanted to marry Eleanor. The majority of their issues are about parenting time and Sally's refusal to follow the schedule that the parties have agreed to and the court has ordered. All face-to-face contact has disintegrated into shouting matches. Everyone is extremely frustrated with this couple.

**Formulate the impasse(s), using Johnston's three questions and impasse levels.**

**What additional information would you like to know to help in your work with this couple?**

## DECISION-MAKING EXERCISE

### PARENTS:

- Joanne and Fred; Married 11 years; Divorced for two years.

### CHILDREN:

- Alexis and Andrea, twin girls, age 8.
- Primary residence with Mom but spend 40% of time with Dad
- Mutual parental responsibility (joint custody)

### ISSUE:

Per the parents' Separation Agreement, they are each entitled to two weeks vacation during the summer with the girls. They are to notify the other parent by May first of each year about their preferred vacation times. This year both parents requested their vacations early because they need to make reservations. Joanne requested June 12 - 27 and Fred requested June 21 - July 4. It is Joanne's year for the girls to spend the July 4th weekend with her. Fred has offered to trade Memorial Day Weekend (his holiday this year) for the July 4th weekend. His specific dates are very important to him because he won a sales contest at his place of employment which is a 2 week trip for four to Disney World and a cruise on the Disney Yacht for those exact weeks only. He also intends to bring his mother along. The girls haven't seen their grandmother who lives in Alaska for over a year. Joanne also feels that her dates are very important because her sister is getting married on June 20th in Hawaii and her entire family is convening for this occasion on June 13th for two weeks. Her family has a big family reunion every year. The children have been to neither Disney World nor Hawaii.

Fred is concerned about the safety of his girls with Joanne's father who sexually abused Joanne as a child. Although Fred has no reason to believe that any other family members have been abused since that time, he is concerned that the children may be left alone at some time in Hawaii with their grandfather. Joanne has assured him that this will never happen. His concern is greater this year because Joanne's mother, who he always felt would protect his girls, died this past year.

The last day of school is June 11th. The girls have played soccer since kindergarten and love the sport. They are co-captains of their team which was the county league champions this year. The state-wide playoffs are June 29th. Joanne is sure the girls will be devastated if they don't get to play in the game and is concerned about their need to follow through on their responsibilities to their team.

They communicate only by e-mail and are very hostile toward each other. Fred always refers to Joanne as "the mother." Joanne says that the girls don't like spending as



much time with Fred as they "have to do" and are afraid of him because he has a temper.

As the parenting coordinator for Joanne and Fred, you have been asked to decide the summer vacation schedules for the summer.



**EVALUATING PARENTING COORDINATION:  
DOES IT REALLY WORK?**

**Institute for Court Management  
ICM Fellows Program  
2015-2016 Court Project Phase  
May 2016**

**Serpil Ergun  
Chief Magistrate  
Cuyahoga County Court of Common Pleas  
Division of Domestic Relations  
Cleveland, Ohio**

This project and paper were prepared by the author in her personal capacity. The views and opinions expressed within the paper are the author's own and do not necessarily reflect the view of the Cuyahoga County Court of Common Pleas, the Division of Domestic Relations, the Ohio Chapter of the Association of Family and Conciliation Courts, the Association of Family and Conciliation Courts, or the Ohio Association of Magistrates.

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## **EVALUATING PARENTING COORDINATION: DOES IT REALLY WORK?**

**Serpil Ergun**

### **Abstract**

Family courts nationwide are increasingly turning toward parenting coordination to address the volume of cases that return to court repeatedly over parenting arrangements. These chronic cases, which rarely involve true legal issues, are costly, overwhelm court dockets and dominate resources. At the same time, the adversarial legal process exacerbates parental conflict, and puts children at risk for poor outcomes, psychologically, socially, and academically.

This research sought to gauge the effectiveness of parenting coordination in reducing unproductive repetitive litigation and parental conflict between high conflict parents in the Cuyahoga County Domestic Relations Court, a high volume court in Ohio, before the adoption of state rules regulating the practice of parenting coordination. Parenting coordination, an innovative, multidisciplinary alternative dispute resolution process that combines law, psychology and conflict resolution, holds promise to ease court burdens and minimize conflict, but lacks research support. The judiciary and family law professionals should have a thorough understanding of what the process can and cannot achieve before diverting families to this extra judicial form of case management.

Aimed at providing an analytic basis for improving the Court's current program, this research also addresses the general lack of empirical data validating the practice of parenting coordination. These results may be useful in guiding family law professionals, Ohio courts, and other jurisdictions with less experience with this process in utilizing parenting coordination.

The primary questions of this research are:

- Does parenting coordination reduce litigation?
- Does parenting coordination reduce parental conflict and improve the co-parenting relationship?
- How is parenting coordination being practiced?
- What factors affect the success of parenting coordination?

The data for this analysis came from a systematic review of archival case data and the opinions of key informants with differing perspectives gathered through surveys. The study examined changes in court usage in the two years before and after the appointment of a parenting coordinator and compared these changes to court usage over four years by a control group of high conflict cases without a coordinator. Changes in the number of motions filed, scheduled court events, referrals for parenting services, and trials were measured. A series of comprehensive questions were used to examine the views of parents, attorneys and parenting coordinators as to whether they found parenting coordination to be effective, how parenting coordination is utilized, and how the program could be improved.

Factors which were identified as negatively affecting the success of the process were unaffordability, parents' lack of motivation, ability, and capacity to disengage by separating their personal relationship from their parental role, as well as operational flaws in the appointment process.

The findings generally indicated that parenting coordination is not universally successful. However, the results are sufficiently encouraging. The strong desire for an alternative to the court process warrants establishing an affordable pilot parenting coordination program within the Court. By addressing participants' concerns and removing perceived barriers to success, the Court can also better support the private provider model.

Key points are:

- Parenting coordination seems to be very effective in reducing litigation.
- Parenting coordination resolves disputes and prevents parental conflict from escalating into “legal” conflict but does not necessarily improve the co-parenting relationship.
- Parents lack understanding about the proper role of a parenting coordinator.
- Parenting coordinators would benefit from learning opportunities tailored for the parenting coordinator role.
- Family law professionals are unfamiliar with the parenting coordination process.
- There is a lack of professional diversity among parenting coordinators.
- Court oversight is needed to support the legitimacy and success of parenting coordination.
- Issues related to parenting coordination fees need to be addressed.
- Parents want an alternative to the traditional adjudicatory process.
- An affordable in-house parenting coordination program would meet the needs of more high conflict parents than the private provider model.

An affordable in-house parenting coordination program has the additional benefit of standardizing the delivery of services in terms of appointment protocols, the rate charged, the background and experience of the coordinator, the duration of the appointment, and the delivery of services that will facilitate follow up effectiveness studies.

Additional research is needed to evaluate the effectiveness of parenting coordination in reducing litigation and minimizing parental conflict compared to other conflict prevention interventions such as parenting education, online communication tools, and court ordered parenting coaching and therapy, and when there is no intervention. More research is also needed to identify family characteristics and program attributes that maximize the benefits of parenting coordination to children and parents. Courts and the legal community should continue to explore

creative, less destructive methods than the litigation model to meet the post-divorce needs of families.

## **Evaluating Parenting Coordination: Does It Really Work?**

### **Introduction**

The Cuyahoga County Court of Common Pleas, Division of Domestic Relations, in Cleveland, Ohio, like courts nationwide, faces a small but stubborn number of “high conflict” cases that return to court frequently over parenting disputes. These cases, which rarely involve true legal issues, resist resolution by conventional means, commandeering scarce court resources and monopolizing court time. These frequent returns to court aggravate the conflict between parents that threatens children’s adjustment and puts them at risk for poor outcomes in life.

The Cuyahoga County Division of Domestic Relations is a trial court of limited jurisdiction serving a population of 1,259,828 (United States Census Bureau, 2015), with five judges and 19 full-time magistrates handling four specialized dockets: marriage termination, post-decree parenting and property division, support, and domestic violence. On average, based on the Ohio Courts Statistical Reports 2012-2014 data, the Court processes 8,010 cases a year. Of these cases, 5,865 involve children, including 2,926 marriage terminations or dissolutions, 930 post decree custody/parenting actions,<sup>1</sup> 1,597 post-decree support modification and enforcement actions, 329 Uniform Interstate Family Support Act (UIFSA) actions, and 113 parentage actions.

The mission of the Domestic Relations Court is “to help families restructure their lives by reaching compassionate and just resolutions to parenting and property disputes” (Cuyahoga County Domestic Relations Court, 2015). While the Court’s principal responsibility is to provide a forum for the fair resolution of legal disputes, its hope is to preserve the family as much as possible. The Court recognizes the value of interdisciplinary collaboration with

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<sup>1</sup> These include proceedings under the Uniform Child Custody Jurisdiction Act.

professionals with backgrounds in the fields of mental health and conflict resolution in achieving this goal.

To that purpose, the Court offers in-house educational, forensic, and settlement-oriented case management services provided by psychologists, social workers, and attorneys. Services are utilized sequentially, beginning with statutorily mandated parenting education for all divorcing parents, followed by court-ordered mediation. If these more benign interventions fail to achieve agreement, cases are referred for home investigation, forensic case management,<sup>2</sup> parenting and psychological evaluation, guardian *ad litem*, and/or child's legal counsel services, sometimes all at once. The Court employs four full-time evaluators and one case manager, contracts with two full-time and two part-time mediators, and appoints from a list of 92 guardians *ad litem* and/or child's counsel. Parents may contract privately for a custody evaluation. Parents and children commonly engage in private individual and family therapy as they move through the court process.

The parents in these highly contentious cases have great difficulty complying with their court ordered parenting arrangements. Their communication is non-existent or dysfunctional to the extent that they are largely incapable of working through differences of opinion without judicial intervention and the expertise of multiple legal and mental health professionals. When issues arise, they resort to the court process as the exclusive means to resolve disputes. Often, these disputes do not involve true legal issues; they are interpersonal conflicts involving anger, distrust, and control. For these parents, the court is the only forum available to manage the everyday transactions that are the stuff of normal parenting.

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<sup>2</sup> Case management services are provided by a staff psychologist who helps facilitate problem-solving and compromise between parents. The case manager also monitors parental compliance with mental health and substance abuse screening and treatment, and progress made with supervised parenting time to aid in transitioning to unsupervised parenting. The case manager functions informally in some respects like a parenting coordinator.

To access the court, parents must make allegations that will successfully invoke the court's continuing jurisdiction. In the quest to present a justiciable "legal issue," parents blame and accuse each other of wrongdoing in harsh language meant to impress the Court with the gravity and magnitude of the situation. Minor disagreements are exaggerated to justify asking for a contempt finding or a change of custody and parenting time arrangements. These requests are often accompanied by demands for "emergency" hearings and *ex parte* orders. Courts typically cannot determine in advance if these motions are reasonably grounded in fact or law. Because courts must protect the interests of children who are unable to act on their own behalf under the doctrine of *parens patriae*, they cannot summarily dismiss these allegations. Erring on the side of caution, they are bound to listen to even the most trivial of disputes.

Once in court, the adversarial process escalates the conflict. This legal tradition has been widely accepted in the U.S. as the best way to elicit truth and ensure accurate decision-making. It rests on the theory that truth is "knowable" and parties should play a major role in a process where the outcome will affect them substantially. Detailed rules of evidence and procedure are expected to ensure fair play and equitable substantive decisions. For all its merits, the adversarial process is poorly suited to resolving the complex relational issues that parenting disputes present. These issues are not prone to a simple win/lose solution. The process, which intrinsically endorses combat, encourages emotionally driven parties to be oppositional and is not conducive to resolving disputes practically and expeditiously. It makes it difficult to preserve long-term relationships between emotionally driven people who feel hostility to each other but must remain entangled because of children. The deliberative nature of the traditional legal process also causes emotional and economic strain on families because it does not lend itself to a swift resolution. Cases can languish in the system, worsening the situation.

The unique nature of domestic relations law with its emphasis on protecting children contributes to the influx of these cases. The “best interest of the child” legal principle must be balanced with parents’ fundamental constitutional rights to the care, custody, and control of their children. Subjective legal standards (“change of circumstances,” “unjust or inappropriate,” “equitable”) are purposely left vague to allow courts to do equity in individual cases, but create uncertainty in predicting outcomes. This provides latitude for parents, who are permitted by statute to seek modifications, to litigate almost anything under the guise of protecting children; the many statutory factors that must be considered in a “best interest” analysis alone are rich with litigation potential. Courts also do not strictly enforce the doctrine of *res judicata*, normally a deterrent to repeated litigation, in the sphere of custody and parenting, where finality of judgments is subordinated to “best interest.”<sup>3</sup> Additionally, the movement away from sole custody and limited visitation arrangements toward shared decision-making and equal access has kept parents in close proximity after separation, creating more opportunity for conflict. This makes domestic relations courts fertile environments for parents to inflict emotional distress upon each other and their children.

Notwithstanding these structural and practical difficulties, the Court strives to process high conflict cases in a timely and efficient manner. Contested parenting matters require the scheduling of multiple conferences and hearings and are labor intensive for judges, magistrates, and court staff. Services are costly for the parties and the Court, and with a limited number of service providers available, can delay resolution for months.<sup>4</sup> While the Court possesses

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<sup>3</sup> Ohio courts are loathe to declare parents who file motions repeatedly vexatious litigators when children are concerned as long as there is some evidence to support the claim, a burden not difficult to meet. *Pisani v. Pisani* (1999); *Catalano v. Pisani*, (1999); but see *Calhoun v. Calhoun*, (2014).

<sup>4</sup> In-house custody and parenting evaluations typically take four months. Outside evaluators can take over a year to issue a report.

excellent case clearance and overage rates overall,<sup>5</sup> (Supreme Court of Ohio, 2012; 2013; 2014) these few cases take considerable time and can easily run over state time guidelines.<sup>6</sup>

Meanwhile, lives are disrupted, parents become more polarized and locked in, and children are caught in a cycle of forensic, guardian *ad litem*, and judicial interviews in addition to the hazardous environment they find themselves in due to the hostility of their parents. Altogether, these cases place large demands on families, community resources, and the entire justice system.

Confronted with these intractable cases, family law professionals have developed a distinctive dispute resolution process to try to spare families from the harmful effects of perpetual conflict and repetitive litigation. Parenting coordination arose to help high conflict parents implement their parenting plans<sup>7</sup> and provide a prompt resolution to time-sensitive disputes as they arise, in a way the traditional court process, designed to provide due process protections, simply cannot. It assumes that disputes concerning plan implementation can be managed more effectively through extra-judicial means and if parental conflict is averted, the well-being of children will be preserved. Parenting coordination holds great promise in reducing the number of chronic cases that frustrate the Court and in better serving parents and children in families that have broken apart.

Other jurisdictions have begun utilizing parenting coordination to assist parents to implement their parenting plans without resorting to litigation. The Ohio Supreme Court

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<sup>5</sup> The overall clearance rate for all case types was 104% in 2014, 102% in 2013, and 99% in 2012.

<sup>6</sup> Under Supreme Court of Ohio time guidelines, contested terminations of marriage where there are children should be resolved within 18 months of filing and post-decree parenting matters should be resolved within nine months of filing. (Ohio Sup.R. Appendix A)

<sup>7</sup> A parenting plan is a document that delineates how parents will raise their children after separation and divorce. Provisions are included concerning parenting time, decision making, child support, transportation and exchanges, vacations and school breaks, health care, medical insurance and expenses, extra-curricular activities, a dispute resolution process, schools, records access, communications, etc.

recently sanctioned the role of a parenting coordinator through its adoption of several Rules of Superintendence for the Courts of Ohio that took effect on April 1, 2014.

Before statewide rules, the Domestic Relations Court appointed parenting coordinators only upon the request and consent of parties, essentially acquiescing to their agreement. These coordinators have been mainly attorneys, with a handful of licensed mental health professionals.

Since the superintendence rules became effective, the Court has established a formal, albeit modest, parenting coordination program, using private providers and has made twelve appointments. Thirteen parenting coordinators (twelve attorneys, one social worker) have applied and been approved to provide services for the Court, although at least 22 attorneys and psychologists have acted as parenting coordinators in the past. Why more have not applied is unclear. A lack of people willing to work with high conflict/high risk individuals and demanding training requirements perceived as onerous may be factors. The Court is considering expanding this fledgling program to provide in-house services to meet the needs of an underserved population of high conflict litigants. The parenting coordination program will supplement the Court's array of case management/dispute resolution services.

The Court's experience with parenting coordination is limited. Before committing to developing an internal component to its program, the Court hopes to gain a better understanding of how the parenting coordination process actually works, and why it works in some cases and not in others, if it works at all. Anecdotal evidence here and in other jurisdictions suggests reduced litigation and positive outcomes for some families but not for others for reasons that are not well understood. For example, there may be certain attributes of parents who do not respond well to parenting coordination. Other variables may operate as barriers to success. These may be associated with weaknesses in the appointment process, the selection of the parenting

coordinator, mismatched practice styles, and the experience of the coordinator. Parenting coordination may also fail if cost is a significant factor, and is out of reach for low- and middle-income parents.

The first goal of this project is to acquire empirical evidence as to the effectiveness of parenting coordination in reducing litigation. To that purpose, the project studies the relationship between parenting coordination and court usage by comparing pre- and post-parenting coordination litigation data, and by comparing litigation data in groups where parenting coordination has been and has not been ordered. The second goal of the project is to gather the views of parents, attorneys, and parenting coordinators as to whether they find the process helpful. This allows for a more fine grained investigation of whether the process is effective in minimizing conflict and improving the parents' ability to co-parent, which is the point of parenting coordination. The third goal of the project is to find out how parenting coordination is practiced locally and identify variables that positively or negatively affect the success of the process. This will provide guidance on how to better support this promising practice in terms of improving the current private provider model and planning the expansion of the parenting coordination program, if appropriate. The project will provide the Court with a baseline of the effectiveness of parenting coordination before regulatory rules.

From a larger perspective, parenting coordination is new to Ohio. Courts in Ohio and in other jurisdictions considering establishing parenting coordination programs, judges and magistrates considering appointing parenting coordinators, attorneys counseling clients to consider parenting coordination, guardians *ad litem* and custody/parenting evaluators making recommendations for parenting coordination appointments, and persons considering becoming parenting coordinators may find these results useful.

With the growth of parenting coordination, the Court hopes to experience a measurable reduction in cases that dominate its time and resources. The expectation is that a strong parenting coordination program will free up court time and resources to address more serious cases, and ultimately translate into faster dispositions and improved clearance rates for the post-decree parenting docket, improving rates overall. While the Court is concerned with efficiency, it is important to remember that its chief objective is to assure the well-being of children.

In considering the above questions, the meaning of “high conflict” in parenting cases and the implications of exposure to persistent parental conflict for children in the literature is explored. The shortcomings of the adversarial model as applied to parenting matters and the adoption of a therapeutic approach by domestic relations courts as part of the movement toward problem solving courts is discussed. The development of the concept and practice of parenting coordination and Ohio law relating to parenting coordination is summarized. Focus is given to the distinguishing features that characterize the special nature of the role of parenting coordinator that have caused debate. The literature review also includes a close look at previous research that has sought to measure the effectiveness of parenting coordination through methodology similar to that used in this project. This will provide background and a basis to put the research project in context.

A description of the research design and methods chosen to capture data is included with an explanation of why this methodology most accurately assesses the effectiveness of the parenting coordination process. Data collection steps for the two sources of data, archival case records and opinion, are set forth in detail. The results of each data collection method follows with findings interpreting their meaning and significance in relation to each other. The paper concludes by offering conclusions and recommendations through the lens of the author’s

experience as a domestic relations court magistrate who handles high conflict cases and is trained in parenting coordination. Suggestions are made for further research in this area.

## Literature Review

### Effect of Parental Conflict on Children

The effects of divorce on children have been studied extensively since divorce rates began rising in the last century (Amato, 2000). While children are resilient and can endure fundamental changes in family structure due to divorce and even death, and most children adapt normally, divorce can have a detrimental impact and children of divorce are at risk of suffering serious harm (Amato, 1994; Emery, 1999; Kelly, 2002). Research showing the potential negative effects of divorce on children is abundant. As a group, these children are likely to have significant adjustment, academic, and relationship problems, and exhibit indications of psychological maladjustment, lower academic achievement, social difficulty, and poor self-esteem (Amato, 1994; Amato, 2000; Hetherington, 1999). They also show higher levels of anxiety, depression and disruptive behavior, poor self-concept and functioning (Grych, 2005), than children whose parents stay married.

Many forces contribute to the risk these children face. These include loss of contact with a parent, stress of adjusting to changing living situations, lack of psychological resources, parents' psychological health and parenting ability, and economic decline (Amato, 1994; Kelly 2002). While all of this plays a role, exposure to high levels of conflict between parents has consistently been identified as an important and perhaps the best predictor of poor outcomes for children (Amato, 2000; Henry, Fieldstone, & Bohac, 2009). Poor outcomes include conduct disorders, aggression, delinquency, antisocial behavior, depression, anxiety and withdrawal (Grych & Fincham, 1990).

Not all parental conflict is harmful. Parental conflict which children are not privy to ("encapsulated conflict") does not affect well-being (Hetherington, 1999). Overt conflict

witnessed by children is an obvious stressor (Amato, 1994) but children can also be exposed to conflict in subtle and covert ways (Greenberg, Gould, Schnider, & Gould-Saltman, 2003). The type of conflict most harmful for children's adjustment involves physical violence or unresolved conflict in which they feel caught in the middle (Hetherington, 1999; Grych, 2005; Greenberg, Gould, Schnider, & Gould-Saltman, 2003). The intense conflict produced by the destructive strategies and tactics that are common in adversarial custody disputes is especially likely to cause serious emotional harm and behavioral problems in children (Hetherington, 1999; Hetherington & Kelly, 2002; Kelly, 2002).

The destructive maneuvers and behaviors these campaigns engender are myriad. Anyone acquainted with high conflict custody fights knows they can get ugly quickly. Scorched earth policies that include filing unnecessary motions that require frequent court appearances to cause the other party to risk losing employment; requesting excessive discovery to intimidate a party and drive up costs; hiding information or providing misinformation; and filing frequent requests for continuances are classic abuses. Aggressive advocacy can degenerate into rude and uncivil conduct that effectively bullies and frightens parties and witnesses. In the course of these disputes, children are often exposed to demeaning comments about the other parent. They witness arguments. They may be shown legal papers. They may be required to carry hostile messages over adult matters like child support. They may be used as emotional support and to discuss problems with the other parent. They may be kept from seeing the other parent and subjected to interrogation about the lifestyle and home of other parent for information that can be used as evidence in court. They may be pressured to take sides and demonstrate loyalty by telling the judge bad things about the other parent. Their communications may be recorded. Children have been forced to keep diaries and provide affidavits stating with which parent they

wish to live. These are but a few of the experiences they routinely suffer. Unable to stop the conflict, children respond by feeling angry, frustrated, fearful, helpless, resentful, suspicious, nervous, and apprehensive.

The harmful effects of parental conflict on the adjustment and emotional well-being of children are persistent (Ayoub, Deutsch, & Maraganore, 1999). Children who have been exposed to prolonged conflict are at risk of developing emotional and behavioral problems throughout their lives, not just during the exposure (Grych, 2005; Grych & Fincham, 2001).

Conflict during divorce, while the romantic and economic partnership is dissolved, is inevitable. For most couples, the acute hostility they feel toward each other during the court process subsides with time as they adapt to the changes in their lives. Most parents reduce or end their conflict within two to three years after separation (Wallerstein & Kelly, 1980; Johnston & Roseby, 1997; King & Heard, 1999), but a sizable minority remain in high conflict long after the divorce (Coates et al., 2004; Maccoby & Mnookin, 1992). Estimates of the percentage of divorcing parents who persist in serious parental conflict vary, from 8% to 10% of parents at two to three years (Kelly, 2002, King & Heard, 1999); 10-15% (Grych, 2005); 10-25% (Johnston & Roseby, 1997); 15%-20% at two years (Hetherington, 1999), 20% to 25% at three to four years (Maccoby & Mnookin, 1992); up to 30% three to five years after divorce (Ayoub, Deutsch & Maraganore, 1999). However large the group may be, the children exposed to the prolonged conflict engendered by this minority are the most likely to suffer significant enduring harm.

### **Meaning of “High Conflict”**

“High conflict” is a subjective concept. Defining it in connection with court proceedings in an objective, measurable way is challenging. “High conflict relationships,” “high-conflict

parents,” “high conflict families,” and “high-conflict couples,” terminology used to describe this constellation of cases, are all too familiar to those who work in the family law system.

Although many have described the concept, there is no strict definition or consensus on why cases become high conflict.

What is the definition of “high conflict” as it pertains to parental separation or divorce? Defining high-conflict families is difficult, since the character traits of these families can vary. Judges and professionals working with these families often echo Justice Potter Stewart’s statement when he tried to explain “hard-core” pornography that, “I know it when I see it” (*Jacobellis v. Ohio*, 1964). Courts and lawyers call them the “fat file” cases where pleadings fly fast and furiously between the parties, and the case files become thicker, taking up more physical and human resources. Professionals, researchers and court personnel acknowledge that these cases differ from those that exhibit a degree of upset more typically associated with parental separation and divorce (Department of Justice of Canada, 2001). Most simply stated: these parents are engaged in intractable conflict that is ongoing and unresolved and that intensifies after the divorce or separation rather than diminishing.

High conflict parents continue to litigate and re-litigate over minor and inconsequential issues generated by their need to control or punish each other, often obstructing access to their children. These parents navigate from one attorney to another, file multiple motions over child-related rather than legal issues, and over-or-misuse the legal and child welfare system to pound the other parent with threats and allegations. The court’s valuable time is drained from such minor issues as one-time changes in the parenting time schedule, telephone access, vacation planning, and decisions about the children’s after-school activities, health care, child care and child-rearing practices (Coates, Deutsch, Starnes, Sullivan, Sydlik, 2004). Sometimes it is one very dysfunctional parent who exacerbates the conflict; more often both parents are involved in maintaining their high level of discord. Domestic violence and abuse may also be present, but is not a feature in all high-conflict families. (Fieldstone & Coates, 2008, p. 9)

The American Bar Association, in its influential 2001 “Wingspread Report and Action Plan: High-Conflict Custody Cases: Reforming the System for Children,” described the concept as deriving not only from parents but also from the legal system and third parties who fuel the conflict:

High conflict custody cases are marked by a lack of trust between the parents, a high level of anger and a willingness to engage in repetitive litigation. High-

conflict custody cases can emanate from any (or all) of the participants in a custody dispute – parents who have not managed their conflict responsibly; attorneys whose representation of their clients adds additional and unnecessary conflict to the proceedings; mental health professionals whose interaction with parents, children, attorneys, or the court system exacerbates the conflict; or court systems in which procedures, delays, or errors cause unfairness, frustration, or facilitate the continuation of the conflict. High-conflict cases can arise when parents, attorneys, or mental health professionals become invested in the conflict or when parents are in a dysfunctional relationship, have mental disorders, are engaged in criminal or quasi-criminal conduct or substance abuse, or there are allegations of domestic violence or child abuse or neglect. (Ramsey, 2001, p. 146)

Ahrons' (1994) construct in which she classifies post-divorce co-parenting relationships into five types along a continuum ranging from amicable to hostile is useful in describing why some parents are high conflict. The level of conflict is distinguished by the parents' style of communication and interaction, and ability to disengage appropriately after the marriage ends. At one end are the "perfect pals" (high interactors/high communicators) who stay well connected and help each other out as friends, and "cooperative colleagues" (moderate interactors/high communicators) who are not "friends" but do talk often about the children and have the ability to separate their marital relationship issues from their parenting relationship, and put their children first. At the other end are "angry associates," (moderate interactors/low communicators) who let their anger about the past spread into unrelated issues. They are tense and hostile, or openly clash with each other, and are dissatisfied with how things were going. At the far extreme are "fiery foes" (low interactors/low communicators) who rarely interact, and usually wind up fighting if they communicate at all. They are extremely litigious, and continue their legal battles years after the divorce. They are unable to make arrangements for their children without arguing, and rely on others to settle their disagreements. They focus on the wrongs they have suffered and are always building their case. "Dissolved duos" technically have no co-parenting

relationship as they are completely disconnected. In Ahrons' view, the ability to disengage and put children first is what sets true co-parents and high conflict parents apart.

Sullivan (2008) describes the traits of those parents who litigate and those who co-parent in the following ways:

**Figure 1. Comparison of High Conflict Litigators and Co-parents**

Characteristics of Litigants and Coparents	
Litigants	Coparents
Representation-advocacy	Self-representation - parenting
Distrust	Trust
Sabotage of coparent	Support of coparent
Win/lose	Give and take
Chaos	Structured flexibility
Avoidant and crisis-oriented	Proactive and planful
Unilateral action	Collaborative action
"In the name of the child"	Child-focus
Blame	Problem-solving
Depleted resources	Conservation of resources

Eddy (2012) asserts that high-conflict legal disputes are driven more by personality than by legal or financial issues. He describes individuals with "high conflict personalities" as having exaggerated emotions and repeatedly engaging in inappropriate behavior. They typically deny responsibility for their problems, place blame on others, persist long after others let go, and make minor problems into major disputes (p. 13). In his view, courts attract individuals with personality disorders, or traits of personality disorders, because the court process resembles their thought structure. The commonalities of high conflict personalities and the adversarial nature of

the court process make court proceedings, particularly domestic relations matters, the ideal environment to play out the drama<sup>8</sup> (p. 40).

Friedman (2004) cautions that labeling parents as high conflict is problematic, and can be misleading, because it implies that both parents are equally driving the conflict, when it can be that one parent is unilaterally creating and maintaining the quarrel. He warns that the concept can be misused to justify an award of sole custody, resulting in a miscarriage of justice and the child's deprivation of a parent (p. 115).

### **Rise of Alternatives to Traditional Court Process in Family Cases**

The U.S. justice delivery system is a highly evolved and complex operation, designed to protect the fundamental rights of individuals according to law. It is a past-oriented, one-size-fits-all process geared toward a one-time ruling that is supposed to resolve the legal dispute permanently. While it performs admirably in certain contexts, its application in child custody cases has been criticized as overly legalistic and insensitive to human needs, more likely to create than to solve problems.

As Firestone and Weinstein (2004) observe:

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<sup>8</sup> Eddy notes the following characteristics that courts and high conflict personalities share:

- Assigning blame fits with HCPs' (high conflict parent's) lifetime preoccupation of blaming others
- Holding someone responsible allows HCP to avoid taking responsibility
- Guilty or not guilty choice fits with HCPs' all-or-nothing thinking
- Ability to be center of attention and sympathy fits with HCPs' always seeking attention and sympathy
- Ability to bring numerous advocates to court fits with HCPs' aggressively seeking allies to the cause
- Ability to argue or testify in dramatic, emotional extremes fits with HCPs' speaking in dramatic emotional extremes
- Ability to give testimony on past behavior of others fits with HCPs' focusing intensively on others' past behavior
- Court as the place to impose maximum punishment fits with HCPs' punishing those guilty of hurting them
- Getting the court to solve one's problems fits with HCPs' trying to get others to solve their problems
- Lying (perjury) is rarely acknowledged or punished fits with HCPs' view that it is okay to lie if they feel desperate

The best interests of children in divorce and child protection cases have become defined as primarily a legal problem; in reality, they are much more complex psychological, social, and legal problems that typically become intertwined into other issues such as child support. Family relationships have become ‘legalized’ in such a way that the system loses sight of the human problems in context and focuses only on addressing answers to the legal issues. The failure to better examine family problems contextually results in little recognition for the ecological perspective of family dynamics. Greater understanding of cultural mores, for example, has no place in a system bound by the act of fitting evidence into the fixed definitions of a statute. The law is not the appropriate forum for assisting dysfunctional families to function better. Resolution of the legal case often does little to improve or resolve the underlying family dynamics. (p. 203)

Shear (2008) points out that the very elements that legitimate the adjudicative process – transparency, due process, and accountability – conversely, make it costly and time consuming for parents. Due process rights that are held dear, such as to retain an attorney, to disclosure of opposing evidence, to cross-examine adverse witnesses, if fully exercised can result in many costs, including expensive attorney and expert witness fees, court costs, and excessive time off work that the average parent can ill-afford. Rules of evidence meant to assure reliability circumscribe the information available for decision-making. Zealous advocacy meant to convince a fact finder of a client’s version of truth can turn into a “no holds barred” game and destroy ongoing relationships. Decision makers with enormous power to affect lives are often inadequately trained on the non-legal aspects of family problems. Decisions are frequently delayed. At the same time, in elevating rights over interests, the legal system disempowers and dehumanizes the participants. Children become involved in litigation and the use of mental health services can be compromised (Firestone & Weinstein, 2004).

It can reasonably be argued that the application of the adjudicative process has contributed to an erosion of public confidence, and the dim view the public holds of the legal system (Jones, 2015), the divorce process in particular.

Dissatisfaction with the adverse effects of the traditional legal process (“juridogenic harm”)<sup>9</sup> in domestic relations matters has led to an explosion of interest in extra-judicial dispute resolution processes. Recognizing that the legal system is not the appropriate venue to solve complex family problems, researchers and mental health and conflict resolution professionals have long sought solutions that are more beneficial and satisfying than what the court process offers. Court administrators have begun urging that courts adopt a restorative, problem-solving approach (Conference of State Court Administrators, 2002). Attorneys too are increasingly skeptical of the logic of applying an adversarial approach in cases involving children. The institutionalization of mediation, and more recently, the growth of early neutral evaluation and the collaborative law movement attest to the collective desire in the reform-minded family law community to find more holistic ways to handle disputes involving families. In their proposal to transform the system, Firestone and Weinstein (2004) argue that it is time to consider replacing the adversarial, rights-based model to address disputes arising out of the husband-wife relationship with a comprehensive dispute resolution design based on an understanding of needs.

At the same time, overburdened courts are looking for ways to lessen their load as the nature of the disputes for which parents seek redress expands. No longer are courts limited to making basic custody and placement awards. Today, courts are routinely asked to pass judgment on the minutiae of sharing decision-making and parenting time. Warring parents want the courts to decide which extracurricular activities children will enroll in, where they will attend school, what medication they will take, and the procedure parents will use to communicate with each other about their children. The issues brought to court these days are infinite. Like it or not,

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<sup>9</sup> This author defines juridogenic harm as the unintended adverse consequences and loss of well-being resulting from involvement in the legal system. It includes emotional harm as well as depletion of financial resources.

courts have become immersed in the intimate details of family life in cases that are never truly final until the youngest child reaches majority.

The Wingspread Conference highlighted the need for the family law community to work collaboratively to adopt new research-supported models for resolving family disputes that focus on the welfare of children. “The goal of the family law system should be to give the parties the tools to restructure their lives after the immediate case. Central tenets of this system should be to reduce conflict, assure physical security, provide adequate support services to reduce harm to children, and enable the family to manage its own affairs” (Ramsey, 2001, p. 147). Wingspread called upon those who possess the greatest power to influence the conduct of high conflict custody cases – mental health professionals, lawyers, and judges – to bear primary responsibility for preventing or reducing conflict.

In the last decade, domestic relations courts have invested heavily in developing internal or court-connected programs that better meet parents’ needs. Almost all courts now offer services to assist with parenting issues. Some are investigative and forensic in nature; others are dispute resolution processes that serve as alternatives to trial. These include divorce education programs, children’s education programs, and custody mediation. For the more chronic high conflict cases, parenting arbitration, and advanced education and skill building group programs are slowly becoming available (Kelly, 2002). A comprehensive court services program might include brief focused evaluation, parent education, social investigation, mediation, parenting coordination, supervised visitation, early family court triage, custody and parenting plan evaluations, problem-solving, high-conflict interventions, and crisis assistance (Fieldstone, 2014). Courts are also turning to technology by way of online interactive education programs and communication tools such as Up to Parents, Children In Between, and Our Family Wizard.

The growth of this wide spectrum of interdisciplinary services suggests that domestic relations courts are indeed turning toward the therapeutic, problem solving orientation prevalent in drug and mental health courts (Conference of State Court Administrators, 1999). Domestic relations courts are working together with child development, mental health, and conflict resolution professionals and blending their expertise to develop new interventions (Deutsch, 2008) aimed at resolving the root problem that foments conflict with the goal of improving not only the quality and speed of justice but the overall functioning and well-being of families. Courts are coming to accept that their purpose and responsibility to provide a forum for dispute resolution must encompass more than simply providing a trial. In this way, courts are redefining their role as a judicial institution.

### **Development of Parenting Coordination**

The organized movement toward a parenting coordination model began in the early 1990s simultaneously in Colorado and California. Attorneys and mental health professionals in Boulder began discussing ways to handle high conflict families, and courts in Marin and Santa Clara counties began delegating their decision-making power in parenting cases to expert special masters (AFCC, 2003; Lee, 1995; Shear, 2008, Sullivan, 2013). The concept was developed in the early 2000s as a project of the Association of Family and Conciliation Courts (AFCC), which appointed a Task Force on Parenting Coordination and Special Masters (AFCC, 2005).

The Task Force initially planned to establish model standards of practice. Because parenting coordination was so new and varied greatly across jurisdictions, it concluded that a comprehensive set of mandatory, enforceable standards was premature, and, instead, published *Guidelines for Parenting Coordination* in 2005. As aspirational guidelines, they were meant to

help the profession develop systematically and facilitate a high level of practice. The *Guidelines* set forth parameters as to the ethical obligations and conduct of parenting coordinators and provider qualifications (relevant education, training and experience) to assist jurisdictions, professional organizations, education institutions, and professionals considering developing and implementing parenting coordination programs.

The AFCC *Guidelines* (2005) defined parenting coordination in this way:

Parenting coordination is a child-focused alternative dispute resolution process in which a mental health or legal professional with mediation training and experience assists high conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs, and with prior approval of the parties and/or the court, making decisions within the scope of the court order or appointment contract. (p. 2)

The American Psychological Association followed with its own definition and *Guidelines for the Practice of Parenting Coordination* in 2012 for psychologists who practice parenting coordination:

Parenting coordination is a nonadversarial dispute resolution process that is court ordered or agreed on by divorced and separated parents who have an ongoing pattern of high conflict and/or litigation about their children. (Coates, Deutsch, Starnes, Sullivan, & Sydlik, 2004; Deutsch, Coates, & Fieldstone, 2008; Kelly, 2002; Kelly, 2008). The underlying principle of the parenting coordination intervention is a continuous focus on children's best interests by the PC in working with high-conflict parents and in decision-making.

Parenting coordination is designed to help parents implement and comply with court orders or parenting plans, to make timely decisions in a manner consistent with children's developmental and psychological needs, to reduce the amount of damaging conflict between caretaking adults to which children are exposed, and to diminish the pattern of unnecessary relitigation about child-related issues. (p. 64)

The AFCC guidelines serve today as a blueprint for the implementation of a parenting coordination model.

In its preliminary report, the AFCC Task Force (2003) identified the following as matters that must be addressed before a parenting coordination model could be successfully implemented:

- Statutory authority<sup>10,11</sup>
- Appointment of the parenting coordinator<sup>12</sup>
- Timing of the parenting coordinator intervention in the proceeding and jurisdictional issues<sup>13</sup>
- Term of appointment, removal and resignation<sup>14</sup>
- Areas of parenting coordinator decision making authority<sup>15</sup>
- Confidentiality and *ex parte* communications<sup>16</sup>
- Access to non-parties, children and privileged information<sup>17</sup>
- Referral for third party services<sup>18</sup>
- Allegations of domestic violence<sup>19</sup>
- Parenting coordination proceedings<sup>20</sup>
- Parenting coordinator compensation<sup>21</sup>
- Parenting coordinator qualifications and training<sup>22</sup>

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<sup>10</sup> Specific legislation, utilization of existing related statutes and statewide or local court rules for guardians *ad litem*, arbitrators, mediators, special masters, or inherent powers.

<sup>11</sup> See Shear, 2008, on the pitfalls of utilizing related laws designed to govern judicial reference, mediation, child custody evaluation, expert witness appointments, and arbitration as the legal basis for parenting coordination.

<sup>12</sup> By court order or stipulation, and findings required to justify appointment.

<sup>13</sup> Post-decree to implement existing parenting plan, or pre-decree to assist in developing a plan plus post-judgment implementation; continuing jurisdiction when no active case is pending.

<sup>14</sup> Duration, removal for good cause or by stipulation.

<sup>15</sup> Preclusion from changing custody, relocation, substantial alteration of existing access schedule, child support/financial matters and religion.

<sup>16</sup> Testimony, privilege, access to records, and confidentiality when parenting coordinator is subject to mental health board ethical rules.

<sup>17</sup> Schools, physicians, guardians *ad litem*, evaluators, family members, orders and pleadings, releases.

<sup>18</sup> Examinations, drug testing, psychotherapy, supervised parenting time.

<sup>19</sup> Training, screening, referrals.

<sup>20</sup> Joint/individual, informality, making a record, method of communication.

<sup>21</sup> Fee rates, ability to pay, by agreement, alteration of payment responsibility when process abused.

- Submission and objection to parenting coordinator recommendations/reports<sup>23</sup>
- Judicial review<sup>24</sup>
- Immunity<sup>25</sup>
- Risk management.<sup>26</sup>

The professional literature relating to parenting coordination has grown considerably since AFCC first tackled the issues. Research has largely been devoted to exploring what parenting coordination actually is and discussing the complex legal issues it presents.

Writers have examined the legal issues confronting the field, and provided a description of cases that can benefit from parenting coordination, a judicial view of the pros and cons, and a discussion of the essential aspects of practice (Coates, et al 2004); explored the nuts and bolts of parenting coordination and ways attorneys can utilize the process (Bacher, Fieldstone, & Jonasz, 2005); reviewed risk management and aspirational ethics related to parenting coordinator practice (Kirkland & Kirkland, 2006); compared the growth of the parenting coordination role across jurisdictions to determine norms regarding characteristics of the parenting coordination process (Kirkland, 2008); provided an overview of the process that delineated the parenting coordinator's roles and functions and outlined the process for the decision-making and non-decision-making components (Fidler & Epstein, 2008); examined the legal and social policy considerations relevant to developing stipulated orders where there is no statutory basis for appointment of a parenting coordinator (Shear, 2008); explored co-parenting patterns after divorce to suggest reasons why the role might be effective in assisting high conflict parents

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<sup>22</sup> Minimum standards of competency, formality and extent of education and training, degree.

<sup>23</sup> In writing, filing with court.

<sup>24</sup> Process and standard of review for decisions.

<sup>25</sup> Quasi-judicial.

<sup>26</sup> Ethics, malpractice risks, complaints to licensing board.

(Sullivan, 2008); surveyed parenting coordinators in U.S. and Canada as to practice characteristics (Kirkland & Sullivan, 2008); examined the roles and functions of parenting coordinators (Hayes, 2010); compared the key characteristics of parenting coordination in state statutes (Parks, Tindall, & Yingling, 2011); investigated parenting coordinator demographics, training, practices and parenting coordinator perceptions of clients throughout the process (Fieldstone, Carter, King & McHale, 2011); examined parenting coordination through contextual influences (Hayes, Grady, & Brantley, 2012); explored the attitudes and expectations toward the parenting coordination process held by the judiciary, attorneys and PCs (Fieldstone, Lee, Baker, & McHale, 2012); and investigated which aspects of parenting coordinator practices are effective (Belcher-Timme, R, Shorey, Belcher-Timme, Z, & Gibbings, 2013).

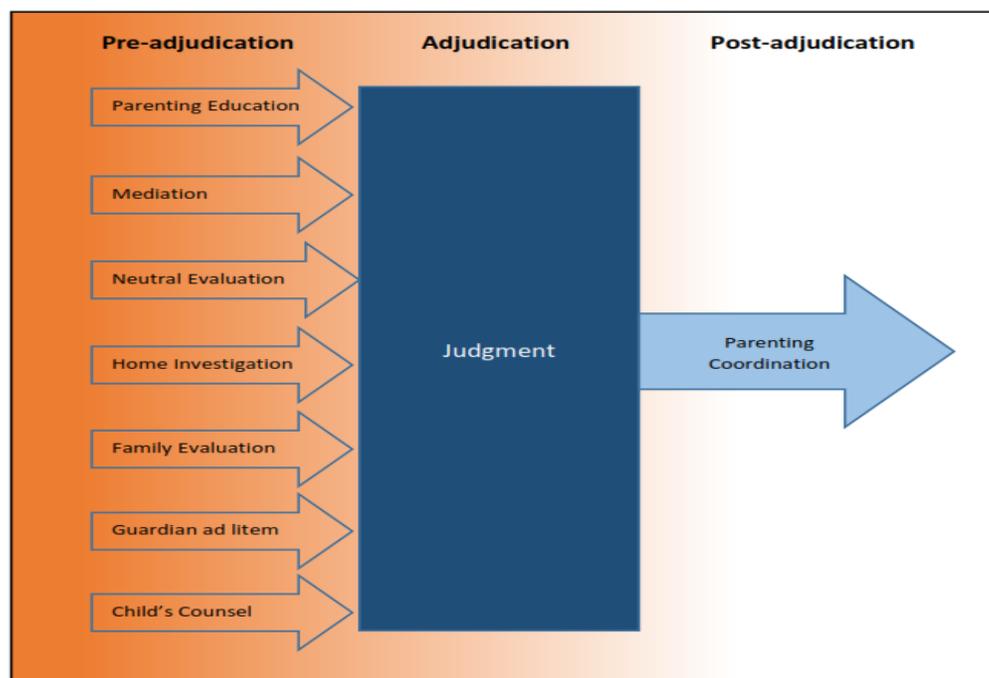
Through these efforts, the conceptual framework of parenting coordination is much better understood.

### **Features of Parenting Coordination**

The last fifteen years have shown parenting coordination to be a complex and distinctive process that integrates the fields of law, mental health, and conflict resolution, that is practiced by attorneys, psychologists, and social workers. It is at once an intervention, a dispute resolution process, and an innovative form of case management. It differs from traditional alternative dispute resolution processes and forensic services, which are employed pre-adjudication, in that it is designed to address the needs of the parties, post-judgment (Belcher-Timme, et al., 2013). In contrast to the court process, which culminates in a one-time ruling, it is ongoing until terminated. Services are provided informally without making a record, in a non-adversarial but court-sanctioned environment on an as-needed basis. The parenting coordinator is available but actively involved only insofar as the parents seek help.

Figure 2 below diagrams the point in time when parenting coordination is implemented.

**Figure 2. Pre- and Post-Adjudication Services**



The five major functions of parenting coordination are (1) education, (2) conflict management, (3) assessment, (4) coordination/case management, and (5) decision-making. (Hayes, 2010) The parenting coordinator is charged with implementing an existing parenting plan, ensuring compliance with the plan, and resolving issues in a timely manner. The disputes a parenting coordinator may appropriately address are ancillary matters, not involving changes in legal decision-making or permanent modifications of parenting time. Ideally, a parenting coordinator will possess expertise in conflict resolution theory and techniques, including mediation; child development and psychology, including adjustment to divorce; family dynamics and family systems theory; domestic relations law; the dynamics of domestic violence and associated safety and intervention considerations; and parenting education and techniques (AFCC, 2005).

To comprehend fully the nature of the dispute presented, the first task of a parenting coordinator is to gather information from the parents and, if appropriate, collateral sources. The coordinator then works to educate and facilitate the communication of the parents to help them reach a solution. If the parents reach impasse, a parenting coordinator will proceed to make an arbitratative decision that is as binding as one issued by a court of law (Deutsch, R., Coates, C. & Fieldstone, L., 2008). This progression may occur over the course of time or within a single session, depending on the nature of the dispute. Decisions remain in effect unless set aside by a court through a formal review proceeding (Deutsch, R., Coates, C. & Fieldstone, L., 2008). There is no judicial involvement unless an appeal is filed. The intervention is thus gradual, with the parenting coordinator taking greater control, only if necessary.

Figure 3 illustrates the progressive nature of the parenting coordination process.

**Figure 3. Phases in Parenting Coordination**



The nature of the child-related disputes that parenting coordinators are typically required to manage cluster around the day-to-day details of schedules; minor changes in parenting time; telephone; exchanging children; holiday and vacation planning; decisions about children's after-school activities and activities scheduled on the other parent's time without notice; appropriate child rearing practices; child care; make up time when a parent travels for business; schooling; and family traditions (Kelly, 2002; Coates, 2004). Issues that are more serious involve appropriate management of children's health care, integrating children's wishes about summer extracurricular activities and camps with each parent's wishes and vacation plans, and

determining when young children are capable of more extended contact with the nonmoving parent in relocation cases (Kelly, 2002).

The singular feature of parenting coordination is its fusion of multiple roles that are played concurrently by a single individual (Fidler & Epstein, 2008). Parenting coordination is a hybrid process that possesses educative, investigative, evaluative, therapeutic, mediative and arbitrative components, but it is not therapy, mediation, or arbitration, which are pure stand-alone processes (Hayes, 2010). Parenting coordinators assess and evaluate but their purpose is not to provide an evaluation or engage in therapy. Mediation techniques are employed but communications are not necessarily confidential and involvement may not be voluntary. Information can be sought from collateral sources. Many parenting coordinator are attorneys but there is no attorney-client relationship, no legal privilege, and they can provide no legal advice or draft documents. The subject matter is subject to discovery, and coordinators may provide fact testimony in subsequent legal proceedings between parents. Unlike binding arbitration, decisions are made only when other techniques fail and are always appealable *de novo*.

Parenting coordinators thus requires a special set of knowledge, skills, and abilities to be effective. Figure 4 expresses the intersection of disciplines that is parenting coordination.

**Figure 4. Multidisciplinary Role of Parenting Coordinator**



Parenting coordinators play an important role in the justice system and they hold considerable power. No other court appointee works as independently. The delegation of the court's exclusive decisional powers to someone who is not a member of the judiciary, particularly when parents do not voluntarily submit to the process, presents serious due process concerns. The arbitral aspect of the parenting coordination process especially has made it controversial in some jurisdictions.

These concerns led to the abolishment of parenting coordination in Pennsylvania in 2013. The authority to appoint a parenting coordinator had been established five years earlier through case law (*Yates v. Yates*, 2008). Although it could have restricted the parenting coordinator's authority and preserved the process, the Supreme Court of Pennsylvania adopted a rule of procedure that emphatically declared that the authority to make decisions in child custody cases rests with the judiciary alone and cannot be abdicated:

Only judges may make decisions in child custody cases. Masters and hearing officers may make recommendations to the court. Courts shall not appoint any other individual to make decisions or recommendations or alter a custody order in child custody cases. Any order appointing a parenting coordinator shall be deemed vacated on the date this rule becomes effective. Local rules and administrative orders authorizing the appointment of parenting coordinators also shall be deemed vacated on the date this rule becomes effective. (Pa. R. Civ.P. 1915.11-1.11-1)

The Florida parenting coordination statute, as initially enacted, met a similar fate in 2004. Then Governor Jeb Bush explained his veto:

I applaud the dedicated efforts of many whose mission is to identify alternatives to assist families in conflict. I also recognize that some circuit courts are currently utilizing parenting coordinators without statutory authority, and I commend them for seeking legislative direction.

While the intent of the bill is laudable, I am vetoing the bill for the following reasons:

1. I am concerned that the bill does not adequately protect families as they try to resolve their conflicts. By authorizing courts to require families to use parenting coordinators, this legislation allows the judicial branch to order parenting coordination without the consent of all parties involved.
2. I share the concerns expressed by domestic violence advocates that this bill fails to provide adequate safeguards for victims of domestic violence.
3. I cannot approve legislation that delegates judicial authority to a parenting coordinator and which allows these parenting coordinators to serve in the dual role of judge and jury of parents' or children's rights.
4. I am concerned about funding these parenting coordinating programs in the future.
5. I believe that parenting coordinators should serve as volunteers and not be limited to an exclusive class of licensed professionals. (Bush, 2004)

Since 2009, Florida statutes have permitted courts to order parenting coordination but the authority to make limited decisions within the scope of the court's order of referral requires the prior approval of the parents (Fla. Stat. § 61.125).

### **The Spread of Parenting Coordination**

Parenting coordination is becoming popular although it is hardly mainstream. It is practiced in two-thirds of the states and some Canadian provinces (Fidler, B.J., 2012; Fidler & Epstein, 2008). As of 2011, 11 states had authorized the practice through legislation (Mashburn, S.B., 2015 citing Parks, et. al., 2011). These were Oklahoma, Idaho, Oregon, Colorado, Texas, North Carolina, Louisiana, Vermont, Florida, Maine, and South Dakota (Fidler, B.J., 2012). Maine, however, repealed its parenting coordination statute in 2014 (ME Rev Stat, Title 19-A §1659, sub-§9, 2013). Arizona, California, Georgia, Kansas, Minnesota, New Mexico permit parenting coordination through use of a related statute or state rule (Fidler, B. J., 2012). Individual courts in other states may be using parenting coordination less formally, through local

rules or private consent agreements (Fidler, B.J., 2012, Belcher, 2013). The practice has not been formally developed outside North America, although reportedly there is international interest in the concept (Fieldstone, et al., 2011).

### **Development of Parenting Coordination in Ohio**

A concerted effort to bring parenting coordination to Ohio took place in 2001 when attorneys and mental health professionals in Columbus began working to construct a pilot program in Franklin County that would be functional under existing statutes and court rules (AFCC, 2003). Project members concluded that parenting coordination could be ordered pursuant to the Ohio Arbitration Act and Ohio Sup.R. 15(B)(1), which allowed courts with domestic relations and juvenile jurisdiction to refer a pending case or designated issue to arbitration (AFCC, 2003). Because the court's jurisdiction over future disputes must be invoked by subsequent motion and the rule allows only active cases to be referred to arbitration, consent of the parents would be required to get around these obstacles (Franklin County Parenting Coordinator Pilot Project, 2002). The most formidable challenge identified was the creation of local standards for the experience and training of candidates, taking into account the level and cost of skills required for a parenting coordinator to be competent and effective (Franklin County Parenting Coordinator Pilot Project, 2002).

The project came to a halt after the Supreme Court of Ohio held that matters of child custody and parental visitation in domestic relations cases are not subject to arbitration and the "authority to resolve disputes over custody and visitation rests exclusively with the courts." The parents in *Kelm v. Kelm* (2001) had included a provision in their agreed shared parenting plan to submit future child custody or visitation disputes to arbitration. When one parent later filed to

modify or terminate the plan, the other parent sought to compel arbitration. The Court held that such agreements are void because the use of arbitration to resolve such disputes conflicts with the exclusive power of the domestic relations courts to protect the best interest of children. The Court observed the goal of arbitration was to provide the parties with a relatively expeditious and economical means of resolving a dispute with the additional advantage of unburdening crowded court dockets. It reasoned that a two-stage procedure consisting of arbitration followed by the opportunity for *de novo* judicial review frustrates the parties' expectation of finality, and is wasteful of time and expense resulting in duplication of effort. "Clearly, it does not seem advantageous to the best interests of children that questions of custody be postponed 'while a rehearsal of the decisive inquiry is held'."

Nonetheless, without an express legal prohibition against parenting coordination *per se*, some Ohio courts did appoint parenting coordinators. The authority relied on to make these appointments is unclear but is apparently based on the consent of the parties. The only reported case that upholds a parenting coordinator appointment came out the year before *Kelm*<sup>27</sup> (*Beatley v. Block*, 2000). The three other cases related to parenting coordination involve issues of contempt against the parenting coordinator and termination of the appointment due to indigence of a parent (*Toth v. Toth*, 2013), testimony of a psychologist parenting coordinator (*Eitutis v. Eitutis*, 2011), and dual appointment of a guardian as a parenting coordinator (*Myers v. Myers*, 2010). These cases highlight the need for clear legal authority to appoint a parenting coordinator, and the need for clarity regarding the role.

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<sup>27</sup> In this case the appointment of a parenting coordinator in a high conflict case after entry of the final decree was upheld; the trial court did not abdicate its judicial responsibility and the parenting coordinator did not usurp the role of the trial court because the parenting coordinator had no authority to evaluate custody. It is unclear if the appointment was by consent of the parents.

Thirteen years after *Kelm*, Ohio courts became explicitly authorized to order parenting coordination with 13 new rules of superintendence (Appendix 1) based on AFCC guidelines that took effect on April 1, 2014, eliminating the need to utilize related rules and statutes as a legal basis. These rules came as part of a larger movement to reform Ohio's family law system. The Ohio legislature's Task Force on Family Law and Children, in its 2001 report, *Family Law Reform: Minimizing Conflict, Maximizing Families*, had recommended that Ohio adopt a court rule that would permit the appointment of a parenting coordinator in post-decree high conflict parenting function and responsibility disputes.

The goal of the Task Force is to limit high conflict parents from excessive use of the courts as their private battleground, and, instead, create another option for these highly conflicted parents to resolve their differences with the assistance of a neutral. The objective is for high conflict families to have a quicker and less expensive mechanism for resolving problems. This recommendation is made in recognition of the fact that some individuals will return to court to have even minor disputes resolved on a regular basis. In order to lessen the results of continued conflict and court proceedings on their children, a faster, more economical and less adversarial process will result from the use of parenting coordinators in certain cases. This process is a way to minimize antagonism, since it is the existence of conflict between parents, more than their actual separation that has been shown to be damaging to children. (p. 17)

Aware that local courts were already using parenting coordination, the aim of the Ohio Supreme Court in adopting standardized rules was to assist courts in creating high-quality programs, ensure the use of qualified individuals, and promote consistency across the state (Crow, 2014).

“Parenting coordination” means a child-focused dispute resolution process ordered by a court of common pleas or division of the court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710 or Sup.R. 16. (Ohio Sup.R. 90(C))

To that purpose, the rules are comprehensive. They require courts using parenting coordination to adopt a local rule that:

- Addresses the selection and referral of a case to parenting coordination at any point after a parental rights and responsibilities or companionship time order is filed;
- Addresses domestic abuse and domestic violence screening, both before and during parenting coordination;
- Addresses appropriate referrals to legal counsel, counseling, parenting courses, and other support services for all parties, including but not limited to victims and suspected victims of domestic abuse and domestic violence;
- Allows parties, their attorneys, and any other individuals designated by the parties to attend and participate in parenting coordination sessions;
- Prohibits a parenting coordinator, even with consent of the parties, from serving in multiple roles with the same family that creates a professional conflict, including but not limited to a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party;
- Allows a mediator to also serve as a parenting coordinator with the same family, provided there is written consent of the parties and it is approved by the court or division;
- Addresses the issuance of parenting coordination agreements and reports or decisions by a parenting coordinator;
- Addresses terms and conditions for fees, including provisions for waiver of fees for indigent parties;
- Provides that the decision of a parenting coordinator is effective immediately and remains effective unless ordered otherwise by the court or division;
- Allows for objections to the decision of a parenting coordinator;
- Addresses the appointment and termination of appointment of a parenting;
- Establishes procedures for the periodic evaluation of parenting coordinators;
- Establishes procedures for the submission, investigation, and hearing of complaints regarding a parenting coordinator;
- Addresses other provisions as the court considers necessary and appropriate.

The rules require extensive education, experience, and training to qualify to serve as a coordinator. Parenting coordinators must possess advanced master's level or law degrees or other satisfactory training or experience and two years of professional experience with situations involving children. They must also complete 78 hours of basic and specialized training in family or divorce mediation, domestic abuse and conflict resolution, and parenting coordination, taken in sequence with special qualifications required to serve in an abuse, neglect, and dependency case; and fulfill requirements for continuing education and making reports to the appointing court.

Under Ohio Rule of Superintendence 90.02, a court may order parenting coordination if one or more the following factors are present:

- A. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- B. There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- C. The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court or division, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;
- D. The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the court or division, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;
- E. One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;

F. Any other factor as determined by the court or division.

The rules make abundantly clear that parenting coordinators do not possess authority to change custody or primary placement of a child, or to grant, change or terminate a protection order.

With the rules, parenting coordination in Ohio became regulated and its practitioners more accountable, commensurate with the power with which they are entrusted. The safeguards in the rules are critical since, like most other states with parenting coordination statutes, Ohio courts do not require parental consent to order parenting coordination. The implementation of a parenting coordination model by way of court rule rather than through legislation suggests that the judiciary means to retain control over any delegation of its *parens patriae* power (Kirkland, 2008).

The Domestic Relations Court adopted Local Rule 38 governing parenting coordination on November 20, 2014 (Appendix 2). Despite their newfound authority, other Ohio courts have not rushed to create parenting coordination programs. The reasons may involve the lack of qualified providers, philosophical disagreement with the practice, hesitancy toward devoting resources to an unproven process, and/or cost.

### **Research Support – Does the Data Support the Theory?**

The professional literature touts parenting coordination as a useful intervention to manage high conflict parents. Kirkland (2008) asserts that the process “is effective precisely because of greater access and availability for families, unique knowledge base of the family law professions concerning dynamics of divorcing families, and the court-granted authority to help families resolve common post-divorce disputes” (p. 25). Sullivan (2008) suggests that the

unique combination of legal authority, specialized knowledge and experience, ability to work with the entire family system comprehensively, and accessibility “creates a role uniquely suited to manage these chronically conflicted families” (p. 6).

While the function, process, and practice of parenting coordination has been investigated, and courts have begun implementing the concept on the assumption that it works, evidence that parenting coordination does actually reduce parental conflict and litigation is limited.

Although the AFCC Task Force backed parenting coordination as a viable dispute resolution process, it acknowledged that, beyond positive anecdotal reports, the effectiveness of the practice lacked research support. It urged investigation to compare litigation rates and children’s exposure to conflict in families who used a parenting coordinator with those that did not. It also proposed studies to assess satisfaction and perceived problems with the parenting coordination process, and its components (education, intervention, and mediation, and variables such as length of time, costs, and methods of communication with parents) from the point of view of families, attorneys, and judges to shed light on its general efficacy (AFCC, 2003). AFCC further suggested identifying the characteristics of families that did and did not benefit from parenting coordination assistance that could be used to develop screening questions to triage families into the most appropriate intervention.

Many researchers since then have called attention to the shortage of empirical data and appealed for further study examining the effectiveness and efficacy of the role (Bacher et al, 2005; Belcher-Timme et al., 2013; Coates et al., 2004; Fidler & Epstein, 2008; Hayes, et. al. 2012, Henry et al. 2009; Kelly, 2002; Kirkland & Sullivan, 2008; Sullivan, 2008; Brewster, Beck, Anderson & Benjamin, 2011). “The PC field begs for more research. Empirical investigations of PC effectiveness and follow-up studies of families in longitudinal PC

relationships are needed. The field needs study of what goes wrong in high-conflict families. Of equal importance is the need to study and learn from families who are able to avoid intractable conflict. There is much work to be done in this area.” (Kirkland, 2008, p.50). “In spite of widespread implementation of these programs in the court systems across the United States, empirical research into the effects of PC programs is ‘practically nonexistent’.” (Brewster, et al., 2011, p. 247, citing Henry et al., 2009).

Less than a handful of studies have examined the effect of parenting coordination upon litigation. The earliest, an unpublished study of court cases in Santa Clara County, California, compared the number of court appearances in 166 cases in the year before and after the appointment of a special master (the equivalent of a coordinator)<sup>28</sup> (Johnston, 1994). The number of appearances declined 97%, from 993 court appearances to 37. The average court appearances per family went from six to .22.

A more recent and rigorous case study of a Florida Judicial Circuit Court in Miami-Dade County measured the change in the number of motions filed by high conflict parents in a sample of 49 cases<sup>29</sup> in the year before and the year after parenting coordination was implemented (Henry, et al., 2009). The total number of motions decreased 48%, from 491 motions to 254. There was a 75% reduction in child-related motions filed (116 to 29), and a 40% reduction in non-child related motions (375 to 225).<sup>30</sup> The majority (61%) of couples reduced the number of motions they filed although 22% filed an increased number of motions and 16% filed the same

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<sup>28</sup> Sixteen special masters identified 193 cases. Twenty-seven were excluded because files were in use, had records missing, were not delivered, had incorrect information, or the order appointing the special master could not be located to determine the date of appointment. Court hearings, settlement conferences, early resolution conferences, case management appearances and trials were counted as court appearances.

<sup>29</sup> The sample was selected from 88 cases based upon the degree of information available in court records.

<sup>30</sup> The Florida study also collected demographic data as to the age and number of children; length of marriage; numbers of years in litigation; number of pre- to post-parenting coordination motions; couple’s race/ethnicity, socioeconomic status and occupation/career. Most couples had been married from five to nine years and had one or two children between the ages of five and twelve. A third were referred to parenting coordination two to six years after separation. Parents were from diverse racial and socioeconomic backgrounds.

number before and after the appointment, indicating that not all couples respond the same to parenting coordination.

A pilot study of a new parenting coordination program in Pima County, Arizona, also examined its effect on litigation, by comparing the use of courts and outside agencies in the two years before and after the appointment of a parenting coordinator in the first 21 cases participating in the program (Brewster et al., 2011). Twenty-four percent of parents fired their coordinator before the two year data collection period ended. There was a significant reduction in the number of hearings, number of documents filed, number of changes made to the parenting plan, and number of motions after the appointment in the remaining cases. The average number of hearings per year per case dropped 83%, from 3.19 to 0.55. The average number of documents filed per year dropped 56%, from 18.4 to 8.1. The average number of changes to the plan per year dropped 52.2%, from 66.25 to 31.5. The average number of motions per year dropped 64.2%, from 172 to 61.5. The number of outside agencies involved in the cases declined 70%, from as many as four agencies to up to one agency.

Likewise, there is little data on the effectiveness of parenting coordination from the perspective of participants in the process. An unpublished study in Boulder, Colorado examined the impact of using a mediator/arbitrator (equivalent to a coordinator) in joint custody cases by surveying 52 parents using mediation/arbitration, and 37 attorneys and mental health professionals with clients participating in the mediation/arbitration program (equivalent to parenting coordination) (Vick & Backerman, 1996). There were significant differences in the perceptions of the professionals and the parents. Professionals were much more likely to have a positive view of the helpfulness of the process. The researchers speculated that the disparity was the result of differing expectations of co-parenting after divorce. They reasoned that parents may

have an unrealistic belief that working on post-divorce co-parenting relations will make it problem free and are disillusioned when their expectations are not met. They attributed the optimistic view the professionals held to their lack of contact with families post-divorce, and their interpretation of the lack of contact when clients have not returned to court as positive even though conflict may be continuing.

Taking a different approach, the American Psychological Association Parenting Coordination Project examined parenting coordination in the District of Columbia's Superior Court in terms of its effect on children's adjustment, parental communication, and conflict using standardized psychological questionnaires and satisfaction surveys to measure outcomes (Scott et al., 2010; Lally & Higuchi, 2008). The population in the 16 cases studied was economically disadvantaged, mostly African American; many parents were never married and some had never lived together. Parents, teachers, and caregivers were administered the Child Behavior Checklist,<sup>31</sup> the Acrimony Scale,<sup>32</sup> and the Parenting Alliance Measure,<sup>33</sup> upon entering the program and more than six months later. Judges, attorneys, and guardians *ad litem*, who are less directly involved, were asked to assess the helpfulness of the coordinator in improving parents' communication and cooperation, reducing conflict, and improving children's well-being. This study is noteworthy as the first to investigate different types and intensities of parental conflict and do so longitudinally (Carter & Lally, 2014; Kelly & Higuchi, 2014).

The scores showed high levels of acrimony and significant dysfunction in the parents' ability to work cooperatively upon entering the program; 54% of mothers and 86% of fathers rated the alliance as problematic and dysfunctional. The study found that over the first six

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<sup>31</sup> This measure obtains the caregiver's report regarding children's social competencies and behavioral and emotional problems.

<sup>32</sup> This measure gather parents' impressions of their relationship with their partner//spouse and the impact of their relationship on their children.

<sup>33</sup> This measure evaluates co-parenting relationships between parents.

months of the program, acrimony and alliance improved but did not reach a level of statistical significance and there were few changes in children's adjustment. Judges' views were uniformly positive, with the ratings of attorneys and guardians *ad litem* mixed (Lally & Higuchi, 2008). Parent satisfaction could not be interpreted because only two parents completed the survey.

The APA study also collected data on the effect of parenting coordination on litigation (Scott et al., 2010). The average length of involvement in the parenting coordination program was 18 months, less than half the average length of 39 months in a court case. After entry into the program, the number of emergency hearings and court activities (orders, hearings, trials, petitions for custody, motions) declined. Contempt filings and findings were significantly lower. Contempt filings decreased to 5% of cases compared to 37% before entering the program. Before entering the program, parents were found in contempt 16% of the time whereas none were found in contempt afterward. The researchers noted that it was not possible to establish whether these outcomes were attributable to the program.

These few studies suggest there is a positive, striking association between parenting coordination and reduced court litigation, although the evidence that parenting coordination is effective in promoting parent cooperation and reducing conflict is less encouraging. Brewster et al., (2011) conclude that parenting coordination seems to have the potential to significantly reduce the number of outside agencies and sizably decrease the average amount of time these cases need the attention of judges and court personnel. Henry, et al., (2009) similarly report that the consistency of findings suggests that parenting coordination is effective in reducing court hearings, while strengthening parents' ability to resolve disputes on their own. Notably, none of these studies compared their findings to a control group.<sup>34</sup>

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<sup>34</sup> Fieldstone et. al. (2011) were unable to randomly identify high conflict cases through the clerk's office or judiciary in order to provide a control group for a basis of comparison to their case study.

Reviewing the literature crystallized the legal and practical issues associated with the use of a parenting coordinator. The close look at past research on effectiveness and efficacy was indispensable in helping develop a strong research design and methodology and illuminating how this study could build upon the existing parenting coordination knowledge base and contribute to closing the gap in what is known about this new dispute resolution process.

## Methods

The project utilized a mixed methods case study and survey research design within one jurisdiction, the Cuyahoga County Domestic Relations Court. A mixed methodology was chosen as more comprehensive than pure quantitative or qualitative data collection. Quantitative data can help establish cause and effect and allow groups to be easily compared; qualitative data can help provide insight and context. This design combination had the benefit of building on the strengths of each method and integrating the insight provided from multiple angles. The design and data elements selected for consideration were consistent with similar research.

### Changes in Court Usage

To examine if use of the courts by high conflict parents changed when parenting coordination was ordered, a quasi-experimental sample of parenting coordination cases and a control group sample of non-parenting coordination cases was established. A control group was needed to compare cases with similar characteristics, something no previous study has attempted. Archival case data over a four-year period was examined. Data was collected over seven months in 2015 from the Court's case management system database, the Clerk of Courts' online docket, and paper court files. Data was recorded in Excel spreadsheets (Appendix 3, 4, and 5).<sup>35</sup> All information was publicly available. Each case took about an hour for the author and another magistrate working together and independently to review. Files were reviewed at the courthouse.

Establishing the parenting coordination population of cases required gathering information not routinely kept. The Court did not keep track of the cases in which parenting

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<sup>35</sup> In order to maintain confidentiality, all data and identifying information has been removed from data collection instruments.

coordinators were appointed until early 2015. To identify these cases retrospectively, known parenting coordinators were contacted by telephone and email, and asked for a list of their cases in this jurisdiction. Judges, magistrates, guardians *ad litem*, attorneys who regularly practice in the court, and court staff also were sent several emails asking for all cases they could recall in which a parenting coordinator was appointed. Thirty-four cases were identified. Two of the identified cases did not have a formal appointment document, or other method independent of the persons involved in the case, to pinpoint the date of appointment. Since it was predetermined that data elements from the cases would be sorted based upon two years pre- or post-appointment, they were removed from the list, leaving 32 cases (Appendix 6). All of the appointments took place before 2015.<sup>36</sup>

Establishing a control group of high conflict parenting cases as a basis of comparison presented a challenge. For purposes of this research, these are cases in which parents have ongoing disputes about decision-making and parenting time matters and have been unable to manage and resolve them on their own without continuous court intervention. There was no simple way of identifying these cases randomly. One approach considered was to extract cases from the case management database using the appointment of a guardian *ad litem* and an evaluation as criteria. After a cursory review of the cases selected using this method, it was determined that this would not yield a representative sample because not all such cases are high conflict and not all high conflict cases utilize guardians *ad litem* and evaluations. These services are also costly and low income high conflict cases would be excluded. In addition, as a practical

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<sup>36</sup> In several of the cases, a different parenting coordinator was appointed replacing the original coordination during the post appointment period for reasons unknown.

matter, the case management system could not identify the cases in which services were ordered during the target four-year period; it could only identify cases where such services were ordered.

Another approach considered was to draw the population from cases in which multiple motions were filed within a limited period, such as six months or one year. This method was rejected because multiplicity of motions by itself is not indicative of high conflict and too many cases would be captured. Again, the case management system could not extract such cases.

Because of the difficulty of finding objective hallmarks to identify these kinds of cases, it was determined that a subjective appraisal by magistrates<sup>37</sup> would yield the most reliable sample. As experienced family law professionals, they would immediately recognize a case as “high conflict.”

The cases in the high conflict control group were drawn from a pool of 2,392<sup>38</sup> cases in which parenting motions were filed between January 1, 2011 and December 31, 2014. The parenting motions were identified by assigned codes.<sup>39</sup> Five magistrates well acquainted with the concept of “high conflict,” who are assigned all post-decree parenting cases and have

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<sup>37</sup> Magistrates in Ohio have the authority to conduct trials in any cases not tried to a jury without the consent of parties, subject to an order of reference.

<sup>38</sup> Four hundred eighty-five cases came from the docket of Magistrate 1, 501 from Magistrate 2, 484 from Magistrate 3, 442 from Magistrate 4, and 480 from Magistrate 5.

<sup>39</sup> The motion codes were for the following motion types:

- Modify Parental Rights
- Modify Visitation
- Modify Shared Parenting
- Terminate Shared Parenting
- Terminate Visitation
- Terminate Parental Rights
- Show Cause Shared Parenting
- Show Cause Failure to Return Child
- Motion for Supervised Visitation
- Motion to Return Minor Children
- Establish Visitation
- Motion for Emergency Visitation
- Show Cause Non-Visitation
- Emergency Parental Rights

handled the same docket the entire four years, were provided a list of the parenting cases pending on their respective dockets during this four-year period. They were asked to identify those cases they considered "high conflict" with the above definition in mind, based upon their subjective experience with the case. They were also asked to comment why they considered these cases high conflict and what made them high conflict. Eighty-five cases were identified, about 3.5% of the pool. Ten of these were also cases in which a parenting coordinator had been appointed and were eliminated. The number of remaining cases was significantly greater than the number of cases where a parenting coordinator was appointed. The remaining 75 cases in this universe included 13 from magistrate 1, 13 from magistrate 2, 14 from magistrate 3, 6 from magistrate 4, and 29 from magistrate 5. To further narrow the universe, the cases from the magistrate who identified 29 cases were randomly sampled by removing every other case in order to have a sampling comparable to the other magistrates. The resulting list of 60 cases was randomly sampled by alternately removing or keeping every other four cases, which left 32 cases, the same number of parenting coordination cases (Appendix 7). It was necessary to limit the number of cases to facilitate the comparison between the parenting coordination sample and the high conflict sample, and to limit the amount of data collected to something manageable for this project.

There was no hesitation among the magistrates in identifying which cases were high conflict. "I know because I remember them. You don't remember the other ones. These are the ones that fight about stupid stuff all the time and they are patently unreasonable. They are never fighting about what's on the paper." "I remember the names. They jumped out at me. I remembered that they couldn't get along and couldn't agree on any issues." "They are the revolving door cases. They are out of court for six months, then they file. They are here for six

to ten months and then they take a few months off and are back again.” Magistrates cited multiple reasons that contributed to the cases being high conflict, including mental health issues, a lack of maturity, “bulldog attorneys,” “ a big blowup between the parents,” unproven allegations of domestic violence and sex abuse, and drug and alcohol issues. The consensus was there were no commonalities in why the cases were high conflict, “other than the parents don’t like one another and they don’t see how their animosity affects the kids. If they don’t like the other parent, they think the kids should dislike the other parent.” “It’s very complicated.” “They are so individual.” “There is no common thread that causes these cases to be high conflict. Attorneys add to the problem but do not cause the problem. If they are high conflict they are going to be high conflict regardless of what attorneys tell them. It is a control thing.” “The only thread is that they are frequent fliers.” “They have some issue from the past that they just can’t turn the corner on.”

The sizes of the archival case samples in this study are comparable to sample sizes in previous research. The small size is a consequence of the newness of the parenting coordinator role.

In the parenting coordination cases, court usage in the two years before and after the appointment of a parenting coordinator was compared. In the control group, court usage in the years 2011 through 2014 was compared, with December 31, 2012 being the two year before and after mid-point. Court usage during the years 2011 through 2014 in the control group was compared to the parenting coordination group. A four-year period was selected to ensure that sufficient data were available to measure change with the passage of time and because few appointments were made earlier than 2011. The cutoff for data collection was November 23, 2015. A limitation of using the mid-point date was that a full two years did not pass after the

appointment where the appointment was made after November 23, 2013. This affected six of the cases (19%). Of the six, only three cases were shy of two years, by about two months.

The same data elements were collected for the parenting coordination group and the high conflict group. The selected data elements (number of motions filed, scheduled court events, referrals for parenting services, and trials) were chosen as being variables that relate to the time and resources that must be devoted by the judicial staff, court personnel, and service providers. They provide a good estimate of the burden on courts and court related providers because of this litigation. The increase or decrease in the data elements reflects change in court usage.

For purposes of this research, “motions” are all motions filed, not just parenting-related motions. “Court events” are all scheduled proceedings that were not cancelled or transferred, including pretrials, case management conferences, evaluator interviews, mediation sessions, attorney conferences, hearings and trials. “Referrals for parenting services” encompass custody/parenting evaluation, psychological testing, mediation, home investigation, guardian *ad litem* appointment,<sup>40</sup> and substance abuse testing. Referrals had to be documented by a journal entry. “Trials” are all evidentiary hearings that commenced including those that were not completed.

Identifying whether a trial had commenced required examining docket entries and images, the type of court event scheduled, and ascertaining if a magistrate’s decision or judge’s opinion was written, and if a court reporter was assigned to the case. Relying on the simple fact that a trial was scheduled would have been unreliable because many scheduled trials never begin.

It was initially thought to count *in camera* child interviews within the “referrals” data element. Child interviews conducted by judges and magistrates require attention and planning,

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<sup>40</sup> Guardian ad litem appointments encompassed the appointments of individuals in the following capacities: “best interest of the child” advocate, child’s counsel, and counsel for a non-attorney “best interest of the child advocate.”

and are good indicators that a case is high conflict. They also reveal children's exposure to parental conflict. This data element had to be eliminated; while requests for child interviews are easily tracked, there was no way to ascertain with confidence whether an interview actually took place.

Data on parental income, the total number of children per couple, and the type of parenting arrangement ordered (allocation of parental rights and responsibilities or shared parenting)<sup>41</sup> was also collected to provide context. Income was ascertained from the child support computation worksheet attached to the divorce or dissolution<sup>42</sup> decree. Utilizing income reported for child support purposes inspired some confidence in the accuracy of the amount because such income is calculated uniformly. A case was deemed to have shared parenting if a shared parenting plan was ordered at any time during the four-year period, even if it was not continuously in effect. It was not possible to correlate the number of *minor* children (the children subject to the parenting plan) during the entire four-year period since children continually become emancipated.

### **Opinions of Parents, Attorneys, and Parenting Coordinators**

The choice method of collecting opinion data would have been personal interviews, which provide the flexibility to explore individual viewpoints in great depth. The large number of participants precluded collecting information this way. Focus groups were considered but were also rejected, because it was unlikely that enough parents and professionals would be

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<sup>41</sup> In Ohio, an "allocation of parental rights and responsibilities" is equivalent to an award of sole custody. "Shared parenting" is Ohio's version of joint custody.

<sup>42</sup> A dissolution is termination of marriage by agreement of the parties where all issues are resolved prior to filing in contrast to a divorce decree which is filed unilaterally.

available at the same time for it to be productive. Surveys were chosen as a useful way of gathering information and have the advantage of standardizing the inquiry.

To survey the opinions of participants, separate questionnaires were designed for parents (Appendix 8), attorneys with clients for whom parenting coordination was ordered (Appendix 9), and parenting coordinators (Appendix 10). Separate questionnaires were indicated because of the somewhat different nature of information sought from the three categories of participants. The survey questions were developed based on the literature<sup>43</sup> and a series of extensive conversations with parenting coordinators, mediators, custody evaluators, judges, magistrates, and attorneys familiar with the parenting coordination process. The 27 questions directed to parents requested limited demographic information and were grouped around three topic areas: how the parenting coordinator was used, the perceived effectiveness of the process in improving the co-parenting relationship, and cost. The 17 questions for attorneys related to how parenting coordination is practiced, and the perceived effectiveness of the process in reducing litigation and improving the co-parenting relationship. Parenting coordinators were asked 56 questions about demographics, usage, perceived effectiveness in reducing litigation and improving the co-parenting relationship, practice, cost, and liability concerns. Questions were a combination of open ended, multiple choice with some single and some multiple responses, interval scale and ratio scale. Text boxes accompanied most questions to permit respondents to explain their responses, if desired. The last question in each survey was open text to provide an opportunity to comment on matters not otherwise addressed. This was important to get a more in-depth explanation of the standardized answers. While quite informative, the non-identical surveys and chance to explain responses yielded a great volume of data making comparisons between participant groups and interpretation challenging.

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<sup>43</sup> Helen Brantley and Melissa Grady kindly provided their survey used in Hayes, et al., 2012.

The surveys were pre-tested by the director of the Court's parenting coordination program, an attorney; the director of the Court's family evaluation services, a psychologist; and a clerk in the assignment and scheduling department in lieu of a parent. They were asked to provide feedback on the clearness of the survey questions, the length of time needed to complete the survey, as well as any technical difficulties with the web link. A few questions were revised based upon their suggestions. It was not possible to pre-test the surveys on parents, attorneys, and coordinators actually participating in the process. While this would have been preferable, there is a limited number of those individuals, and all were going to be asked to participate in the actual study. In addition, several of these professionals helped formulate the questions.

A description of the research study and invitations to participate were sent to 100 parents (Appendix 11), 69 attorneys (Appendix 12), and 22 parenting coordinators (Appendix 13) in the fourth week of September. These included the individuals associated with the 32 cases in the parenting coordination group, as well as those associated with the pre-2015 cases that were not part of the archival case data population and the 2015 cases in which parenting coordination was ordered, as of September. Parenting coordinators on the Court's approved list were also included. This provided a larger pool of potential respondents. Some parenting coordinators and attorneys had multiple cases.

A court staff member, who acted as a research assistant, distributed the invitation to participate to parents by U.S. mail. The invitation included a link to the appropriate online questionnaire. None of the envelopes were returned as undeliverable. Invitations could not be delivered by email because the Court does not routinely collect the email addresses of parties. To maximize the response rate, the mailing was followed with a telephone call by the staff member two to three weeks later. The call was limited to requesting return of the questionnaire.

While there is no way to know, this is believed to have increased the number of responses. The staff member succeeded in speaking with 17 parents and left 31 messages. A couple of parents hung up on her. The other parents could not be reached because the Court did not have an accurate phone number or any phone number for them, or they did not answer the phone. Most parents used the phone call as an unsolicited opportunity to tell the staff member about their experience. Their comments were reported to the author without names or identifying information. The invitations and the links to questionnaires to attorneys and parenting coordinators were distributed by email coming directly from the author to the email addresses associated with the attorney of record in the case management system. Only one email invitation, to an attorney, was returned due to an undeliverable address. Two reminder emails were sent four and five weeks later and were successful in generating several additional responses. Participants were informed that completion of the survey would take an estimated ten to fifteen minutes of their time. The surveys were implemented using the online survey tool, Survey Monkey. Participants were not required to answer any particular questions on the survey. The Survey Monkey web links were inactivated in mid-November.

## Findings

These findings are presented in two parts. The first half considers the results of the archival data relating to litigation measures. The second half considers the results of the data relating to the viewpoints of parents, attorneys, and parenting coordinators.

### Changes in Court Usage Case Data

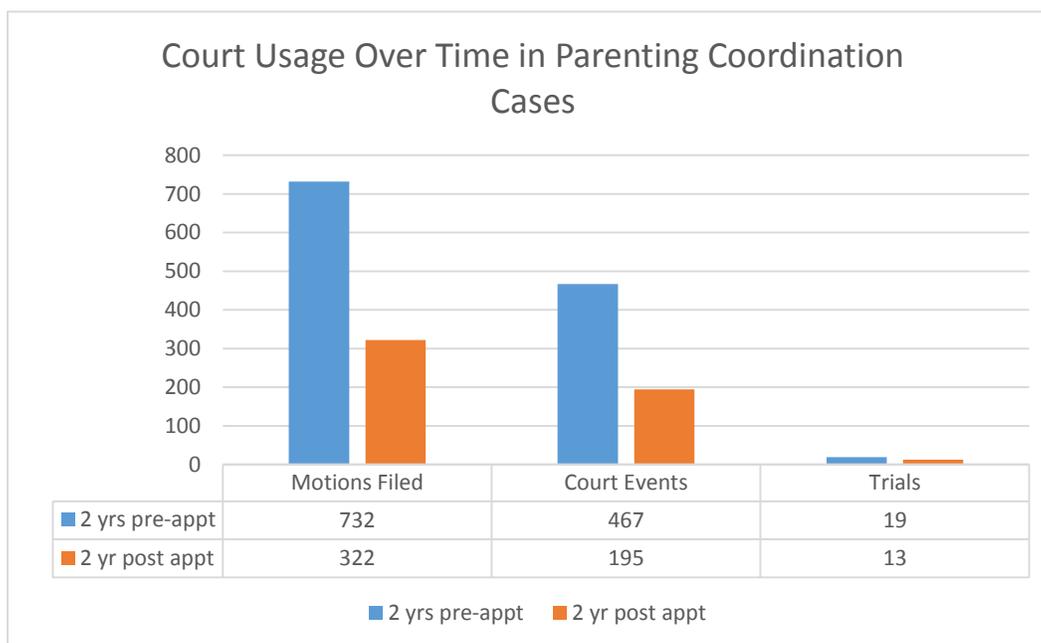
#### Parenting coordination cases.

Forty-one percent of parents in the parenting coordination sample had two children. The next largest percentage (35%) had only one child, followed by 16% with three children. Only one case had four children, and two cases had five children. Ninety-seven percent of the cases in the parenting coordination group had a shared parenting arrangement.

The mean income of fathers was \$203,112. The mean income of mothers was \$92,641. The mean family income was \$295,753. The median income of fathers was \$133,260. The median income of mothers was \$51,000. The median family income was \$226,487.

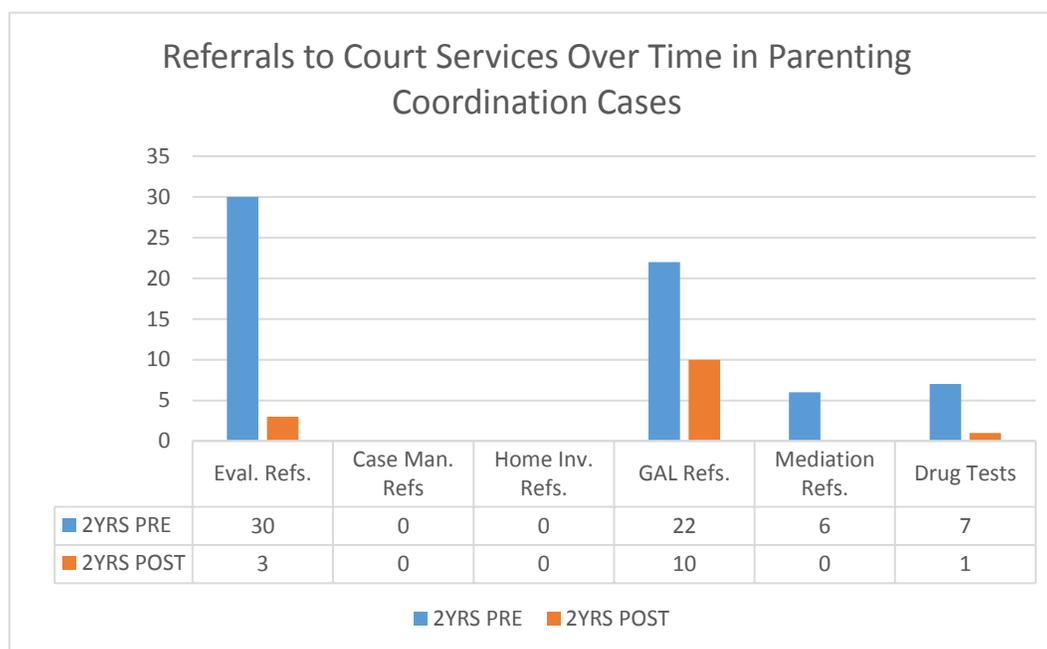
There was a significant *decrease* in the number of motions filed, scheduled court events, and trials in the two years after appointment of a coordinator as shown in Figure 5. Motions decreased 56%. Court events decreased 58%. Trials decreased 32%. The average number of motions per case declined from 22.87 to 10.06.

**Figure 5. Court Usage over Time in Parenting Coordination Cases**



There was likewise a significant *decrease* in the number of referrals for parenting services after the appointment, as Figure 6 shows. Overall, referrals decreased 78%. The category of services with the largest percentage decrease was mediation, at 100%. Evaluations decreased 90%. Drug tests decreased 86%. The least percentage decrease was in the category of guardian *ad litem* services, at 55%.

**Figure 6. Referrals to Court Services over Time in Parenting Coordination Cases**



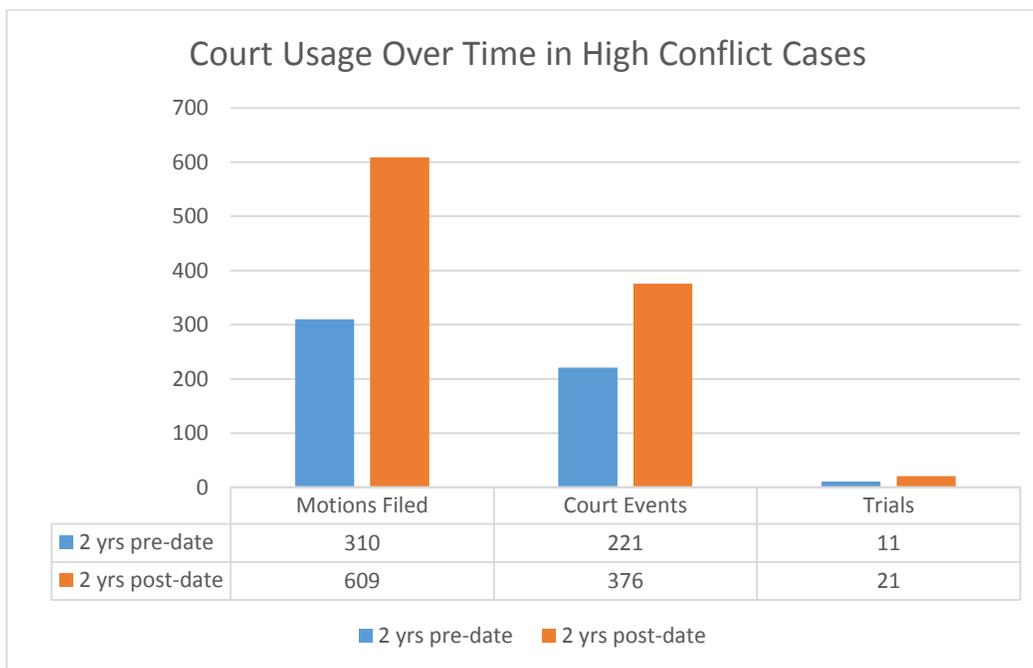
**High conflict control group cases.**

Forty-seven percent of parents in the high conflict sample had two children. The next largest percentage (29%) had only one child, followed by 22% with three children. Only one case had four children. These percentages correspond with those in the parenting coordination cases. Eighty-one percent of the cases in the control group had a shared parenting arrangement.

The mean income of fathers was \$103,779. The mean income of mothers was \$53,264. The mean family income was \$157,042. The median income of fathers was \$46,335. The median income of mothers was \$29,450. The median family income was \$75,710.

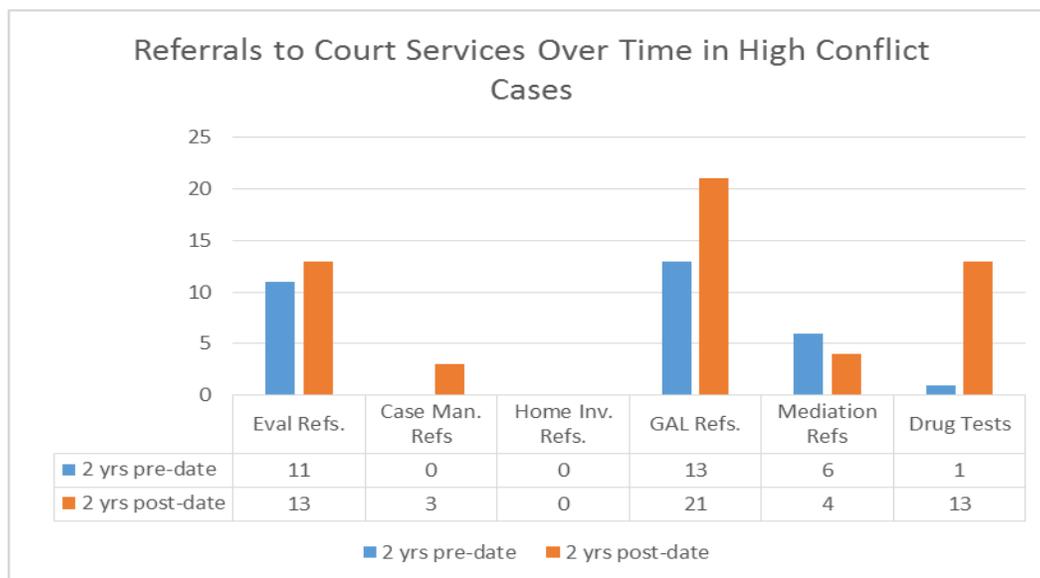
Unlike the parenting coordination sample, there was a significant *increase* in the number of motions filed, scheduled court events, and trials in the two years after the December 31, 2012 mid-point, as seen in Figure 7. Motions increased 96%. Court events increased 70%. Trials increased 91%. The average number of motions filed per case increased from 9.69 to 19.03.

**Figure 7. Court Usage over Time in High Conflict Control Group Cases**



There was likewise a significant *increase* in the total number of referrals for services during the post period as shown in Figure 8. Overall, referrals for services increased 74%. The category with the largest percentage increase was drug tests, at 1,200%. Guardian *ad litem* services decreased 62%. The category with the smallest percentage increase was evaluations, at 18%. The only service that decreased was mediation, at 33%.

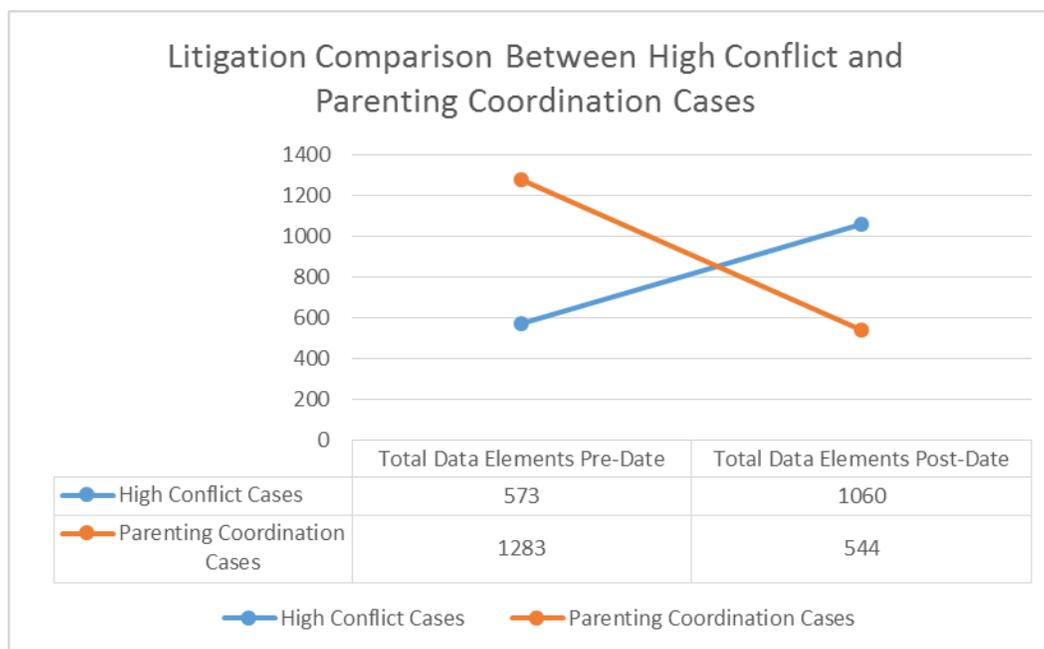
**Figure 8. Referrals to Court Services over Time in High Conflict Control Group Cases**



**Comparison of parenting coordination and high conflict control group cases.**

Figure 9 compares the aggregate of all the data elements collected. The data from the parenting coordinator sample and the control group sample resemble complete opposites. There was an impressive reduction in court usage after parenting coordination was ordered and a boost in court usage without parenting coordination.

**Figure 9. Litigation Comparison between High Conflict Control Group and Parenting Coordination Cases**



Where the Court stood to gain the most from parenting coordination is in terms of conserving judicial and staff time to process the numerous filings, schedule court events, and hold hearings and trials. In the parenting coordination sample, 410 fewer motions were filed in the post period. There were 272 fewer court events. There were six fewer trials. In the high conflict control group sample, 299 more motions were filed in the post period. There were 155 more court events. There were ten more trials. The time saved in the parenting coordination sample is an enormous savings; the work managing the extra litigation in the high conflict control group is an enormous burden.

In terms of the burden on services, the resources most heavily consumed in both the parenting coordinator and high conflict groups were guardians *ad litem* and evaluators. The least used services were drug testing, home investigation, and case management. In the parenting coordination sample, there were 27 less evaluations, 12 less guardian *ad litem* referrals, six less

mediations, and six less drug tests in the post period. In the control group sample, there were two more evaluations, three more case management referrals, eight more guardian *ad litem* referrals, and 12 more drug tests, in the post period.

The low use of drug tests and home investigations is not surprising because severe drug use is not the issue in most high conflict cases and the guardian *ad litem*, if there is one, by law is required to make a home visit, obviating the need for a separate investigation. The minimal use of case management services is attributable to its being a new program, offered only since 2014. As would be expected, mediation was not ordered in any of the parenting coordination cases, and it declined in the high conflict cases. The likely explanation in the high conflict cases is that parents refused it or they were triaged out of the process as not likely to benefit from it. Also, one of the functions of a parenting coordinator is to mediate, making a separate conflict resolution professional unnecessary.

The reduction in referrals represents potential tremendous savings not only for the court, but also for families who pay out of pocket for these services, if parenting coordination were ordered.

While the results are positive overall, the data in the individual cases also suggest that parenting coordination does not reduce litigation for everyone, and litigation in some cases can decrease on its own without any intervention. In three of the parenting coordination cases (9%) the number of motions increased after the appointment. In ten of the high conflict cases (31%), the number of motions decreased in the post period.

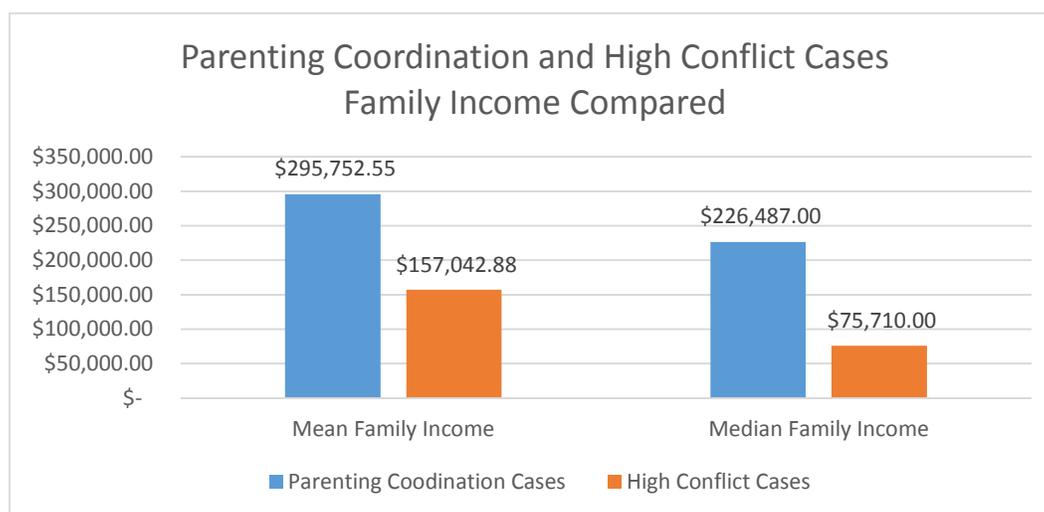
In terms of type of parenting arrangement, number of children, and attorney involvement, the parenting coordination sample and the control group were not significantly different except that more parents in the parenting coordination sample had shared parenting. Interestingly, all of

the parents in the parenting coordination and high conflict control group cases had attorneys, and some had multiple attorneys, at a time when parties in domestic relations proceedings are more and more self-represented. This might mean that high conflict parents are more apt to obtain legal representation, that attorneys create or enhance conflict, or a combination of the two.

The major difference between the two samples was income inequality. Family income was significantly less in the cases without a coordinator. There was a large disparity of income between parents in the parenting coordination cases, with fathers earning more than twice as much as mothers, in both mean and median income. There was also a large disparity of income between parents in the high conflict cases, but the difference was less pronounced. Mothers earned slightly more than half the mean income and about two-thirds of the median income of fathers.

Figure 10 illustrates the significantly higher family income in cases with a parenting coordinator compared to high conflict cases without a coordinator.

**Figure 10. Comparison of Income between High Conflict Control Group and Parenting Coordination Cases**



## **Opinions of Parents, Attorneys, and Parenting Coordinators**

Eighteen parents, 28 attorneys, and 18 parenting coordinators responded to the survey requests by answering at least one question by the close of the survey. This represents a response rate of 18% for parents, 41% for attorneys, and 82% for parenting coordinators.<sup>44</sup> Response rates for online surveys typically average about 30%. These rates were not unexpected considering parenting coordinators, and to a lesser extent, attorneys were likely to take a professional interest in this project.

The survey response rate might have been somewhat higher. Several parenting coordinators contacted the author privately to explain that they did not respond to the survey because they had so little experience they felt they had little to add. Two parents, one father and one mother, contacted the research assistant on December 9 and December 11 asking to participate but could not be included since the survey link had already been deactivated. The research assistant contacted these parents out of courtesy and noted their comments.

The survey sample sizes are comparable to the small sample sizes in previous research. The responses, while not statistically significant, do yield good descriptive information about the value and workings of this not well-understood process.

### **Parent opinion survey.**

An objective of this project was to find out how parents use parenting coordination, and what they find valuable or problematic. Parents have the most at stake yet are almost never consulted about their court-related experiences. The fact that close to twenty people took the trouble to respond and few skipped questions suggests that they want to be heard. However, it is important to keep in mind that 82% of invited participants did not respond. Those who did may

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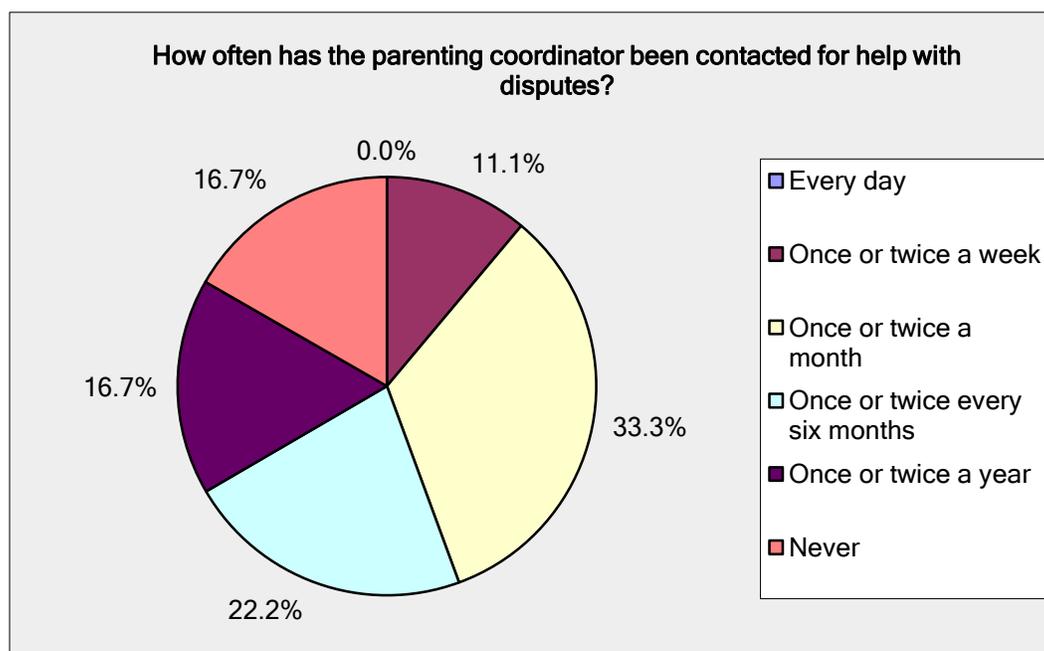
<sup>44</sup> Percentages were rounded off throughout this paper. In some instances this results in a total of more than 100%.

represent the extremes and the most vocal of participants. Parents' comments are set forth in Appendix 14.<sup>45</sup> The email of the parent who attempted to respond and the research assistant's comments regarding the courtesy return calls to the two parents is also included. (Appendix 15)

Ten men and eight women responded. All were at least 30 years old, with roughly a third each in their thirties, forties, and fifties. They were all Caucasian but for one person identifying as Hispanic/Latino.

The frequency with which parents contacted their coordinator is an indicator of how often they need help. As Figure 11 indicates, there was no clear pattern in their usage. The most common response was once or twice a month, followed by once or twice every six months.

**Figure 11. Frequency of Parenting Coordinator Contact**



Consistent with the literature, parents contacted the coordinator for help for a wide variety of issues. The top ten, in descending order, were:

<sup>45</sup> Some parents mentioned names in their responses. To protect personal privacy, personal identifiers were omitted in all of the appendices.

1. Children's travel and passport arrangements;
2. Vacation, holidays, days of special meaning arrangements;
3. Communication between the parents;
4. Time sharing schedules during school year;
5. Transportation and exchanges (drop-off, pick-up);
6. Child-rearing issues;
7. Other;<sup>46</sup>
8. Parent's communication with the children;
9. Enrichment/extracurricular activities/camp/jobs;
10. Education (school choice, tutoring, summer school, participation in special education testing and programs, etc.).

How well parents understood the parenting coordination process to begin with is essential. Their understanding sets their expectations and can encourage or discourage buy-in. Close to 80% considered themselves well informed or somewhat informed about the role of a parenting coordinator before their first contact.

There was also no clear pattern for how long parents typically stayed with the process. Parenting coordination had ceased for half of the parents. For 25% of the parents, the relationship did not last more than six months. The rest for whom it had ended reported it lasted between six to twelve months, 13 to 18 months, 19 to 24 months, or two plus years, in equal percentages (6%).

The most common reason the relationship ended was that services were too costly (28%) or lack of reasonable progress (18%). Other reasons for termination were children reaching the age of majority, parenting coordinator no longer able to work with parents in an unbiased

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<sup>46</sup> Purchase of and or possession of weapons/illegal material by former spouse and significant other.

manner, parenting coordinator unable or unwilling to serve, and one or both parents non-compliant, in equal percentages (9%). Remarkably, no one reported that the relationship ended because the coordinator's assistance was no longer needed.

An "other" category was allowed to let parents explain additional reasons the process ended that were not included in the standardized choices. In these responses (73%), parents cited money issues, refusal of the other parent to participate, and inability of the parenting coordinator to help. One parent commented, "I ended services because things [were] just getting prolonged and nothing was getting accomplished and the parent coordinator couldn't legally help us resolve any of the issues that were brought up. I spent many days and hours copying papers and documents for the parent coordinator to look at and while talking with her it was obvious she failed to ever look at any of it. Parent coordinating is a total waste of time and money. All it does is prolong the court process from being resolved."<sup>47</sup>

Parents were asked what appealed to them about the process. Fifty percent or more liked that it was more efficient than the court process, the parent coordinator listened to their concerns, and it saved money compared to litigation. That it was less formal, more personal, and more private than the court process also ranked high, with 38% to 44% agreeing. Only a quarter of the parents reported liking the process because it resolved the dispute quickly. Parents disliked the process because it was too costly (67%), the coordinator did not have enough authority (44%), did not listen to them (22%), and would not make a decision (11%). No one thought the parenting coordinator had too much authority or was not available when needed.

A series of questions focused on whether the process was effective in resolving problems, reducing conflict, and improving the co-parenting relationship.

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<sup>47</sup> To enhance readability, obvious punctuation and typographical errors in the comments have been corrected throughout this paper, excluding appendices.

Table 1 below summarizes the responses to this inquiry. Three of the five questions had majority negative responses. If the goal is to change the interactional dynamic then the majority neutral response in the last question can be interpreted as negative. Only one question had a majority positive response.

The majority of parents (53%) believed that the process helped them resolve problems but did not believe that the parenting coordinator helped improve parental communication or changed their ability to work with the other parent. Half of the parents did not believe the process helped reduce conflict between them.

**Table 1. Summary of Responses to Effectiveness Questions**

<b>SUMMARY OF RESPONSES TO EFFECTIVENESS QUESTIONS</b>			
	Positive Responses	Neutral Responses	Negative Responses
Helped resolve problems	53%	18%	29%
Helped improve communication	18%	29%	53%
Helped reduce conflict	44%	6%	50%
Helped develop skills	19%	25%	56%
Changed ability to work	29%	53%	18%

The most important goal of parenting coordination is for parents to learn skills on how to avoid conflict and future disputes. The process is meant to change the pattern of communication and create a new dynamic to replace the ineffectual old dynamic, and it requires parents to work on making changes. As Sullivan (2008) explains, the hope is that they will learn “to separate their parenting relationship from the spousal relationship,” “approach differences with a child-focused, problem solving approach,” “avoid blame” and engage in “a give and take process that

builds trust and confidence in their coparent,” thus becoming functional co-parents. (p. 13) This is why it is important that coordinators allow the process to progress from the education and mediation phases and not jump to making an arbitrate decision, because parents will have no opportunity or reason to develop the ability to manage on their own. When asked whether the process helped them develop such skills, the majority of parents (56%) disagreed. Only 19% agreed that it had helped. These results are particularly disappointing.

Because parenting coordination is a delegation of the court’s power, it is important to know whether parents believed the process was fair. Again, the responses were mixed. About half (53%) thought it was fair. About a third (35%) thought it was not fair.

Opinions were polarized in terms of whether parents were satisfied with the parenting coordination process. Fifty-three percent were satisfied; 47% were not. This question elicited 13 comments, the most of any question. Five of the comments can be interpreted as positive, the rest were negative.<sup>48</sup>

A couple of questions were intended to shed light on whether parents’ opinions toward parenting coordination had changed over the course of their involvement with it. Initially, parents were positive about the process. Over time, parents who started as neutral became more negative. As reflected in Table 2, there was an overall decline in optimism about the process after experiencing it.

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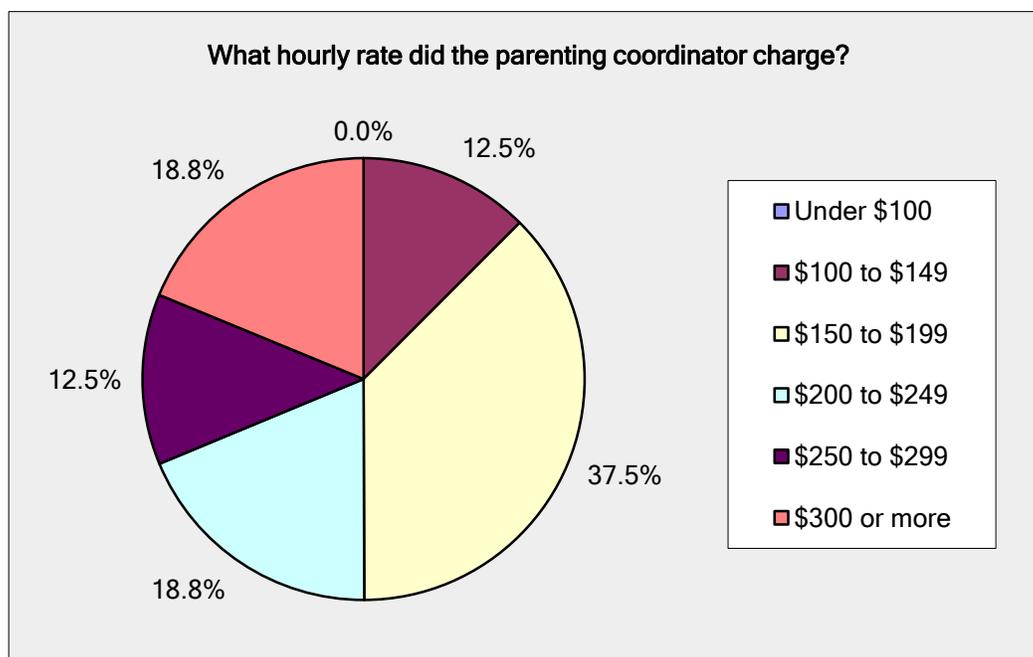
<sup>48</sup> The views of the parents who contacted the court after the close of the survey were also negative.

**Table 2. Change in Parents' Opinions of Process**

CHANGE IN PARENTS' OPINIONS OF PROCESS		
	Initial Feelings	Current Feelings
Positive	59%	47%
Neutral	24%	12%
Negative	18%	41%

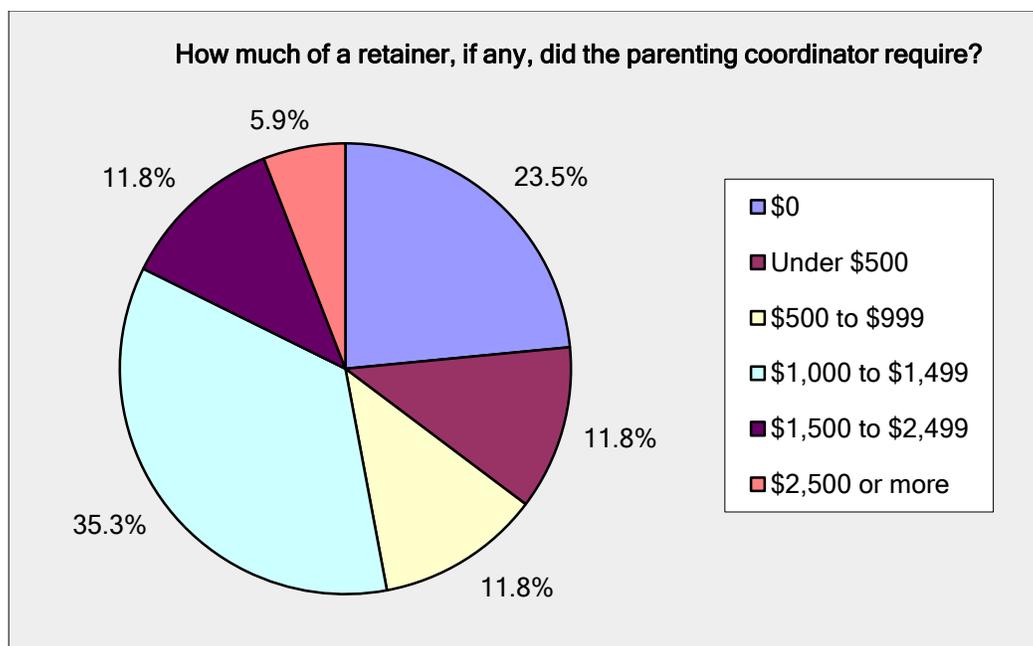
Parenting coordination services provided by private licensed professionals carry a price tag. Five questions explored the cost and affordability of private parenting coordinators.

As Figure 12 illustrates, parents were charged hourly rates ranging from \$100 an hour to \$300 an hour or more. The most common rate was \$150 to \$199 an hour. The next most common rates were \$200 to \$249 an hour, and \$300 or more. No one was charged under \$100 an hour.

**Figure 12. Parenting Coordinators' Hourly Rates**

About three-quarters of parents were charged a retainer to secure their coordinator's services as can be seen in Figure 13. The amounts ranged from under \$500 to \$2,500 or more. The most common retainer was \$1,000 to \$1,499.

**Figure 13. Parenting Coordination Retainers**



To get a sense of whether parents felt that parenting coordination was a good value for what was charged, the responses were almost evenly split, with 53% saying yes and 47% saying no. Eleven parents weighed in. Seven of the responses can be interpreted as negative. The following are examples of positive and negative responses. “Yes. Contact with her was far less than any other court option would have been. She was fair and efficient.” “Nothing could legally be accomplished and it was nothing but an added expense to me.” When asked if the cost of parenting coordination was affordable, the results were evenly split.

Parents were given an opportunity to explain what would have made the process more valuable or effective for them. This question elicited eleven comments. Their suggestions are summarized as follows:

- Courts should ensure the retainer is paid and address how to ensure that both parents pay the parenting coordinator's fees.
- The parenting coordinator should have a better relationship with parents and meet the children before making decisions.
- The parenting coordinator should have the legal authority to draft legal documents for the parties to sign, and submit them to the court.
- Parenting coordination services should be put in place earlier.
- A guardian *ad litem* should not intervene and countermand the parenting coordinator's decisions.
- It should be more affordable.

It is also valuable to know whether fee issues caused significant disputes between parents, and between parents and the coordinator. Fee disputes lead to conflict. They also put the parenting coordinator at odds with parents and can lead to the resignation of the coordinator or refusal to provide services. This defeats the purpose of appointing a coordinator. When asked if there were any disputes over fees, one third of parents reported problems. One parent stated, "Ex never paid retainer and PC refused to work on our case." Another remarked, "The details pertaining to payment were not arranged in the divorce decree which has created reticence for the coordinator to become involved." Another volunteered, "I was unable to pay and he put a lien on my house. I eventually paid him but had to sell my house to do so."

The information the parents volunteered to the research assistant is consistent with the survey data. Many she spoke to had already taken the survey but still wanted to talk about their parenting coordination experience, and seemed excited to be able to tell their story. There was a

sense of surprise that someone had bothered to ask them. Some could not recall that a parenting coordinator had been appointed and did not know there was one. Some were pleased that the Court was conducting the survey but expressed skepticism that the information would be utilized. Others wanted to complain about the other parent, judges, and the courts. In the research assistant's view, the parents either loved parenting coordination or hated it.

**Attorney opinion survey.**

Even though attorneys tend to be involved only at the inception of the process when the appointment is made, their opinions are valuable since they are generally the first point of contact if clients are having problems. In this regard, their perceptions are a blend of their own observations and what is reported to them by their clients. Attorney feedback is also important because without their support, parenting coordination is unlikely to thrive. Attorneys' comments are set forth in Appendix 16. As a group, the attorneys skipped more of the survey questions than did the parents and parenting coordinator groups.

To establish a baseline of their experience, attorneys were asked how many cases with a parenting coordinator they had been involved in. Fourteen attorneys had only had one or two cases. Seven had three to five cases, five had between six and ten cases, and two attorneys had sixteen or more. Over 85% had never or rarely attended and participated in the parenting coordination process although 11% were routinely involved.

The information attorneys gave clients about parenting coordination runs the gamut from cursory to comprehensive. The continuum went from providing nothing at all and leaving it to the parenting coordinator to explain, to providing a copy of the appointment order, to reviewing the order thoroughly with the client and providing a copy of the local rules and any literature available from the parenting coordinator. Many attorneys explained the limitations of the

parenting coordinator's authority and the progression from mediation to decision-making. They also explained its benefit in being able to address problems more quickly than the courts. One attorney stated:

I describe a PC as a 'mediator on steroids' who is empowered by both parents and the court to make binding decisions on a certain class of issues (i.e. those which are problematic but tend to be small enough in isolation to not warrant individual court attention but problematic in the aggregate--or--those that require an immediate resolution because of the time-sensitive nature of the issue). I also tell them that the PC process generally tends to soften parental squabbling over picayune issues over the long term because they aren't allowed to fester.

Several questions were designed to gauge whether parenting coordination was effective in actually accomplishing its intended purpose of reducing litigation and conflict.

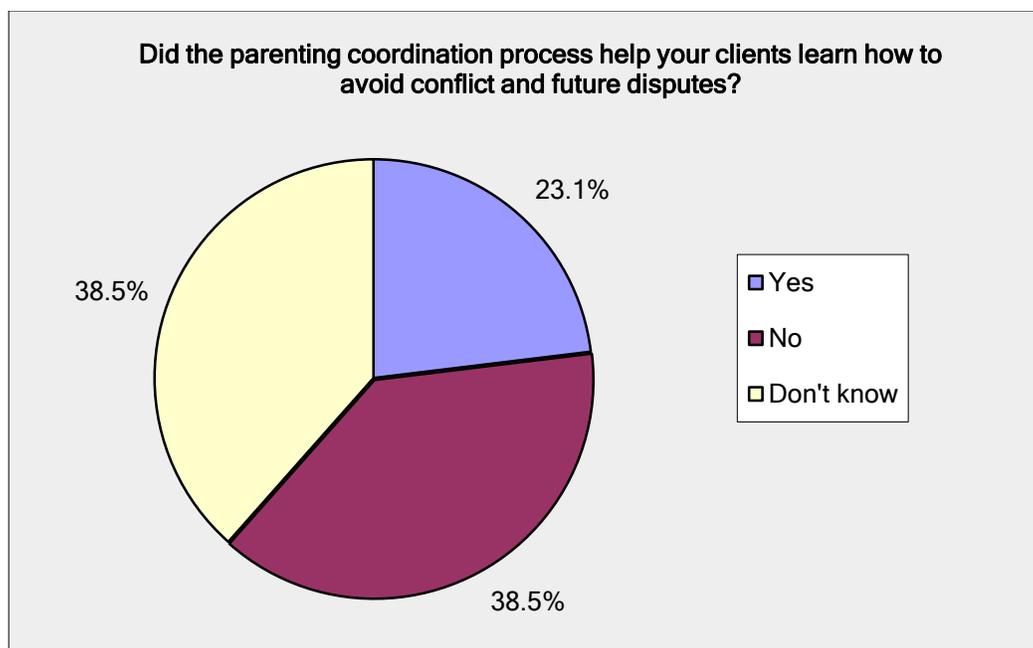
To that end, attorneys were asked whether clients had contacted them since the appointment. Considering that parenting coordination is supposed to put an end to lawyers and litigation, surprisingly, 80% said yes. Nineteen attorneys explained why. Excluding reasons such as to update the attorney or get advice on legal issues, the main reason was to express concerns about how the coordinator was handling the case or unhappiness with the parenting coordinator's assistance or determinations. The concerns had to do with the coordinator going beyond the scope of authority and changing material terms of the order, and getting clarification as to what issues are appropriate for the coordinator to address,

The majority of attorneys (60%) thought the appointment of a parenting coordinator diminished litigation. No one reported an increase in litigation. Sixteen percent said there was no change, and 24% did not know.

Attorneys were less certain that parenting coordination helped reduce conflict between the parents. Forty-eight percent of attorneys reported it had, but 12% felt conflict had increased. Twenty-four percent reported no change, and 16% did not know.

As to whether parenting coordination helped clients learn how to avoid conflict and future disputes the results, in Figure 14, were even less positive. Only 23% said yes. The rest said no, or did not know, in equal percentages.

**Figure 14. Parents' Learning to Avoid Conflict and Future Disputes**



Two questions were devoted to determining whether clients were satisfied with the parenting coordination process. Most attorneys (62%) reported their clients were satisfied. A much smaller percentage (12%) felt their clients were not satisfied. The rest (27%) did not know.

In terms of whether clients were more satisfied with parenting coordination as compared to the court process, 50% of attorneys believed they were. Only 12% responded to the contrary and 38% did not know.

The remaining questions in the survey moved from perceptions of their clients' experience to inquiries that relate to the general efficacy of parenting coordination. The

responses are useful in determining whether certain parents are good candidates for parenting coordination in the first place, and should be triaged into the process.

Besides the legal issues it presents, parental consent is extremely important in terms of whether parents will work with the parenting coordinator and accept his or her decisions, or try to foil the process. Consent implies buy in. Parents can sabotage the parenting coordination process in any number of ways. These include refusing to participate, refusing to pay fees, ignoring decisions, and even excessively contacting the parenting coordinator to drive up fees for the less financially off parent to cause him or her to back off. More aggressively, they can file ethics charges, and bring the matter back to court to bypass the parenting coordinator. Therefore, the question was asked whether parenting coordination can be beneficial if ordered over the objection of one or both parents. Most attorneys (69%) said yes.

In explaining their answers, several attorneys articulated the need for the parenting coordinator to make binding decisions and for parents to be made to understand they must abide by those decisions. Others mentioned that parents will ultimately learn that parenting coordination will resolve disputes. One attorney thought it could be beneficial only with the right parenting coordinator. Others found value in allowing an outlet for the cooperating parent, and post-litigation oversight that could prevent the case from “blowing up.” One stated, “I believe the value in a PC is independent of parents’ willingness (of course it increases the effectiveness when willingness exists, but I don’t believe it is essential).” On the other hand, one felt, “it should be a consensual process otherwise it just appears to be a delegation of judicial authority.” One maintained, “No harm in trying.”

Two questions related to identifying the indicators that would suggest a family will or will not benefit from parenting coordination. The questions allowed multiple responses.

Table 3 and Table 4 list the most popular responses in descending order:

**Table 3. Indicators that a Family Will Benefit from Parenting Coordination  
(Attorney Perspective)**

INDICATORS THAT A FAMILY WILL BENEFIT FROM PARENTING COORDINATION	
Parents tired of court process	81%
Parents concerned about cost of court litigation	81%
Parents genuinely desire to reduce conflict	58%
Disputes parents have not appropriate for court to decide	58%
Parents invested in process working	54%
Parents respect authority	46%
Other	31%

**Table 4. Indicators that a Family Will Not Benefit from Parenting Coordination  
(Attorney Perspective)**

INDICATORS THAT A FAMILY WILL NOT BENEFIT FROM PARENTING COORDINATION	
Personality disorder of a parent	80%
One or both parents not invested in process	56%
Domestic violence	48%
Other	44%

One attorney identified a genuine desire not to harm their children as an indicator that a family will benefit from parenting coordination, within the “other” category. “Parents really don't want to hurt their children or use them as pawns in parental disputes.”

Others identified a parent's inability to see value in the other parent playing a role in the child's life, a historic refusal to abide by court orders and history of subverting processes, and the desire to be as disruptive as possible as good indicators that a family will not benefit from parenting coordination.

These responses point to the success of parenting coordination as largely dependent on parents' motivations, abilities, and capacities to increase their awareness and to functionally disengage. At some level, they must be able to put their children first. If they are resistant to taking responsibility, and not genuinely interested in learning, being flexible, and changing their behaviors, it will not work, much like counseling and psychotherapy will not work. In fact, it can become a new forum to maintain a high level of engagement and conflict made worse by the accessibility of the coordinator. (Sullivan, 2008) At least a couple of parents expressed the view that parenting coordination made things worse.

Programmatic factors can also make a difference in whether parenting coordination can be successful. Knowing what these factors are is useful in suggesting adjustments to the way parenting coordinators are appointed. Attorneys considered the following, set forth in Table 5, important to success.

**Table 5. Factors Important to Success of Parenting Coordination**

<b>FACTORS IMPORTANT TO SUCCESS OF PARENTING COORDINATION</b>	
Parenting coordinator knowledgeable about domestic relations law	88%
Each parent be required to pay a portion of the cost	81%
Immediate initial meeting with the parenting coordinator upon appointment and before issues arise	77%
Decisions be made promptly if negotiated resolution not possible	77%
Parenting coordinator able to interpret legal documents	73%
Good match between parents and parenting coordinator	69%

Attorneys also endorsed the ability to take control of high-conflict parents, communication and mediation skills, and a parenting coordinator understanding the limits to his or her authority as important factors. One commenter mentioned that he would never use a parenting coordinator who was not an attorney because of a “disastrous experience.”

The aspects of parenting coordination attorneys found valuable were taking matters that are inappropriate out of the court system, using education and mediation first to resolve a dispute, immediacy, having an alternative to court, and having a safety valve in place.

Attorneys disliked the following about the process: cost, the ability of a parent to manipulate the process, coordinators’ lack of practical skills, inconsistency between coordinators, and tendency of coordinator to go beyond scope of the court order. One attorney disapproved of “Allowing the bully parent a different forum to continue the bullying process. The parent with more time and money may prevail.”

These responses point to the need for coordinators to be of high caliber. High conflict parents are extremely difficult and require managers who are exceedingly knowledgeable in theory and skilled in technique.

**Parenting coordinator opinion survey.**

Of the 18 parenting coordinators who responded, ten were attorneys, three were mediators, four were psychologists, and one was a licensed professional/clinical counselor.

All but two were female. Eighty-nine percent were in their fifties and sixties. Like the parents, they were overwhelmingly Caucasian with one person identifying as African American. More than half were located on Cleveland's East Side, three were on the West Side, one was downtown, and four had offices in multiple locations.

As a group, the coordinators were experienced in their fields. Seventy-eight percent had 21 or more years of professional experience. They had much less experience as coordinators. Half had provided parenting coordination services for three to five years, and 28% for two years or less. Half had two or less cases. Twenty-eight percent had handled only three to five cases. Parenting coordination constituted no more than 19% of anyone's practice. Two-thirds felt that the maximum number of cases they could handle at one time was between one and five. The other third was evenly divided in believing they could handle six to ten cases, or 11 or more cases.

A major goal of this project was to learn the practical points of how parenting coordination is conducted. To that end, coordinators were asked:

- How much time they spend and what documents do they need to become familiar with the issues before beginning the process?
- How frequently are they asked to address disputes?
- What kind of disputes are they asked to address?

- How do they communicate with parents?
- Who besides the parents participates in the process?
- Do they seek information from anyone besides parents?

Parenting coordinators comments are set forth in Appendix 17.

As would be expected, all coordinators require a copy of the appointment order. A substantial majority requires the most recent custody/parenting orders, previous custody/parenting evaluations and reports, and previous guardian *ad litem* reports (82% to 88%). Forty-one percent of respondents prefer to see all court orders in the case. Some coordinators ask for reports of treatment, police reports, protection orders, parenting plans, and a parenting coordination contract. “The more information a PC or GAL knows the better he or she can be. Understanding the child's needs, the family dynamic and the history of the parties is key to assisting the parents in compromising and coordinating efforts in ways that are consistent with the best interest of the child.”

Most coordinators (65%) typically spent one to two hours reviewing the documents before their initial meeting with parents. Eighteen percent spent an hour or less. Only 17% spent more than two hours.

There was no clear pattern as to how often coordinators were contacted for help with disputes. A quarter was contacted once or twice a month. A quarter was contacted once or twice every six months. Nineteen percent were contacted as often as once or twice a week. The frequency was very case specific, with more contact at first. “Varies. Every day during an ongoing dispute, but could taper off to 1x per month during "quiet" times.” “Significant variation -- if in crisis, could be ongoing and almost daily; if not, months at a time or more go by with no communication.”

The top ten kinds of disputes parents called about were, in descending order:

1. Vacations, holidays, days of special meaning arrangements;
2. Time sharing schedules during the school year;
3. Transportation and exchanges (drop-off, pick-up);
4. Enrichment/extracurricular activities/camp/jobs;
5. Payment issues (for children's extracurricular activities, daycare service, transportation between households, medical bills, etc.);
6. Medical, dental, and vision care;
7. Communication between the parents;
8. Parent's communication with the children;
9. Child-rearing issues;
10. Education (school choice, tutoring, summer school, participation in special education testing and programs, etc.).

Coordinators used a variety of ways to communicate with parents with email and face-to-face meetings with one or both parents, and telephone conferencing topping the list. They used US mail, "Our Family Wizard" or other on-line communication sites, meetings via internet conferencing, and text messaging, to a much less extent. No one used social media sites.

Although the rules allow anyone designated by the parents to attend parenting coordination sessions, the involvement of third parties is uncommon. Children's participation is unusual; 87% said it never or rarely happens. Attorneys also are not generally involved; 86% said they never or rarely attend or participate. Extended family or friends were never (57%) or rarely (43%) included.

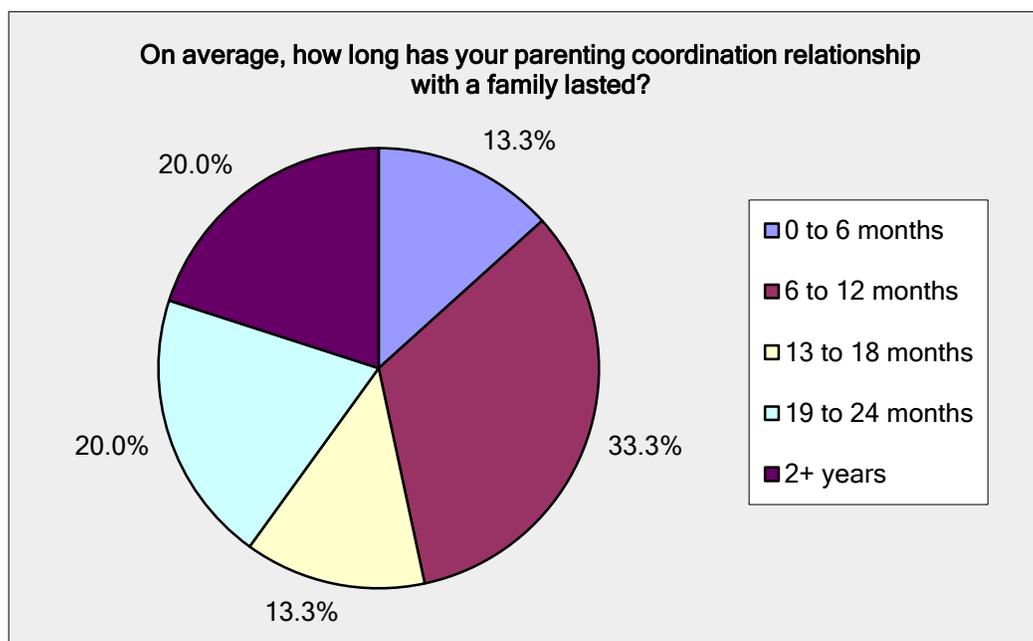
Coordinators gather information from third parties considerably more often than they include outsiders in the process. Seventy-nine percent routinely or sometimes seek collateral

information from a guardian *ad litem*, custody/parenting evaluator, or mental health provider. They also seek information from health care providers, education or day care providers but less commonly. Fifty-seven percent routinely or sometimes gather this information but 43% rarely or never do.

Coordinators were asked how frequently they have had to make formal arbitrate decisions. This is important to know in light of the progressive nature of the process. Fewer decisions suggest that parents were able to resolve disputes on their own with the coordinator's help and the process is working. The results varied greatly. Forty-four percent said they made decisions in up to 10% of the disputes they addressed. Twenty-five percent made decisions in 11 to 20% of the disputes. Thirteen percent made decisions in 31 to 40% of the disputes. The remaining 18% were evenly divided in making decisions in 21% to 30%, 41% to 50%, and more than 50% of the disputes. The vast majority (80%) had never had a decision appealed and the remaining 20% had only up to three decisions appealed.

As Figure 15 reveals, there was great disparity in responses as to the average length of time the parenting coordination relationship lasted. Most commonly, it lasted between six and 12 months. The varied duration is consistent with what parents reported.

**Figure 15. Duration of Parenting Coordination Relationship**



Knowing how long these relationships generally last is valuable in terms of the ideal duration for an appointment. An appointment should not terminate too early for the process to begin making headway. Forty-four percent of the coordinators considered two years optimal. Twenty-five percent thought it should be for a year. Others commented that the appointment should last “until the children are 18 as needed,” “unknown,” “this might depend on how things are progressing,” and “as needed.” “It depends on the age of the child(ren). It would be best to be able to terminate the PC because the parties have learned to mediate their own disputes but otherwise the PC should remain intact.”

Table 6 shows the most common reasons the parenting coordination relationship ended. These are, in descending order:

**Table 6. Reasons for Termination of Parenting Coordination**

<b>REASONS FOR TERMINATION OF PARENTING COORDINATION</b>	
One or both parents are non-compliant	62%
Parents/family no longer needed assistance of a parenting coordinator	54%
Term of appointment over	31%
Lack of reasonable progress	31%
Children reached age of majority	23%
Other	23%
One or both parents refused to pay for services	15%
Parenting coordination services too costly for parents	8%
Parenting coordinator unable or unwilling to continue to serve	8%
Parenting coordinator no longer able to work with parents in an unbiased manner	0%
Parenting coordinator discontinued services for personal reasons unrelated to parenting coordination	0%

Another objective of this survey was to find out what participants, especially parenting coordinators who are the most familiar with the process, believe would improve the program.

A theme that quickly emerged is that parents and attorneys are not as knowledgeable as they could be about parenting coordination, though they might think they are. Although 76% of the coordinators thought parents were somewhat informed about the process before their initial contact, only 18% of coordinators considered parents well informed.

To better prepare everyone, 89% thought the court should explain the process to parents and attorneys and provide written materials. “Explaining the role and expectations is key and

will help start everyone off on the right foot in dealing with the PC.” Forty-two percent thought the Court should obtain completed background/intake forms from the parents and provide them to the coordinator. Those coordinators who commented thought this would increase standardization of the process. “I believe that if the Court introduced the PC to the parties it could be helpful in providing support and credibility to the individual chosen as well as the process itself.” Raising awareness about parenting coordination and having attorneys encourage it was also suggested.

Coordinators were vocal about their own need for more education and training. Four individuals who served before the superintendence rules were adopted explained they had not applied to be on the Court’s approved list because they had not completed the minimum training required. The vast majority (93%) identified parenting coordination skills training as something they want the court to provide. Coordinators felt it important to be able to educate parents on communication and problem-solving methods, to have training in collaborative law and mediation, and know about child development, adult psychopathology, and the literature on high conflict divorce.

When asked what services, training, or resources the court could offer, coordinators suggested monthly meetings (36%) and continuing education courses relating to children (43%). “Speaking as a non-lawyer PC, either training or some regular communication as to new developments on the legal front with respect to relevant case law would be very helpful.” “Parent Coordinator Meetings, not necessarily monthly. Maybe bi-monthly or 4x per year.” “Initial PC training a couple of times a year would make it much easier for those of us already working in the area to upgrade and maintain our status. Current situation is counterproductive though I have been told that there will be some local or additional to Sup. Ct Columbus trainings established.”

Taken as a whole, the comments to the attorney and coordinator surveys showed a definite need for more intensive and ongoing skills training beyond the initial training required to qualify as a coordinator.

Coordinators also suggested improving the program by having the Court:

- Periodically communicate with coordinators on the list who have not yet received assignments
- Make itself available as a resource for mental health coordinators when legal questions arise
- Require that parents deposit retainers with the court.

Because there are so few providers, it was important to know if coordinators felt they could effectively provide services if they were not geographically close to the families. This is important because parents in some high conflict cases live in different states, or even different countries. Eighty percent said yes.

Coordinators were questioned about factors important to the success of the process. Ninety-three percent felt that an initial meeting with the coordinator immediately upon appointment before issues arise, and prompt decisions if a negotiated solution is not possible were important. Between 80% and 90% thought it important to have a good match between parents and coordinator and the coordinator be knowledgeable about domestic relations law. The same percentage thought it important that the cost be apportioned between parents. Fifty-three percent felt that it was important that coordinators be able to interpret legal documents.

To get a sense if coordinators thought the process reduced litigation, they were asked how often their cases returned to court following the appointment. The responses were evenly distributed with roughly a third saying they never returned (29%), rarely returned (36%), and occasionally returned (36%).

Five questions were asked concerning the perceived effectiveness of the parenting coordination process in improving the post-divorce parenting relationship. The results are summarized in Table 7.

**Table 7. Improvement in Parenting Relationship after Parenting Coordination**

<b>HOW DID THE PARENTING COORDINATION PROCESS AFFECT THE PARENTS' ABILITY TO WORK WITH EACH OTHER?</b>				
Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
0%	92%	8%	0%	0%
<b>HOW DID THE PARENTING COORDINATION PROCESS AFFECT THE PARENTS' ABILITY TO SOLVE PROBLEMS?</b>				
Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
0%	92%	8%	0%	0%
<b>HOW DID THE PARENTING COORDINATION PROCESS AFFECT THE PARENTS' COMMUNICATION WITH EACH OTHER?</b>				
Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
8%	85%	8%	0%	0%
<b>THE PARENTING COORDINATION PROCESS HELPED THE PARENTS UNDERSTAND THE EFFECT OF THEIR BEHAVIORS ON THEIR CHILDREN?</b>				
Strongly agree	Somewhat agree	Neutral/No opinion	Somewhat disagree	Strongly disagree
23%	69%	0%	8%	0%
<b>GENERALLY, THE LEVEL OF CONFLICT BETWEEN PARENTS AFTER THE APPOINTMENT OF A PARENTING COORDINATOR:</b>				
Greatly increased	Increased	Stayed the same	Decreased	Greatly decreased
0%	0%	46%	54%	0%

The parenting coordinators were united in their opinion that the process somewhat improved the ability of parents to work together and solve problems. Although no one reported it had significantly improved, no one reported that it had worsened. Only one individual believed it had made no change. There was also great consensus in their belief that the process improved communication between the parents and helped them understand the effect of their behaviors on children, although one individual disagreed. Despite these positive views, there was far less certainty that the process actually reduced conflict. About half believed it decreased and half believed it stayed the same. These results stand in contrast to the more negative views parents and attorneys reported.

Another objective was to identify indicators that a family is likely or not likely to benefit from parenting coordination. This information is useful in screening to triage parents into or out of the parenting coordination process. Although parents may fit the criteria of being high conflict, not all families who receive parenting coordination succeed raising the question of whether it is worth ordering. There is no point if there is no potential for success.

As shown in Table 8, the majority of coordinators believed it important, in descending order, for the parents to be invested in the process, to respect authority, to be tired of the court process, to be concerned about the cost of litigation, and to genuinely desire to reduce conflict. Domestic violence, a lack of investment in the process, substance abuse, and personality disorders were considered indicators that a family would not benefit from an appointment, as set forth in Table 9. These responses closely match those of the attorneys.

**Table 8. Indicators that a Family Will Benefit from Parenting Coordination (Coordinator Perspective)**

<b>INDICATORS THAT A FAMILY WILL BENEFIT FROM PARENTING COORDINATION</b>	
Parents invested in process working	87%
Parents respect authority	80%
Parents tired of court process	80%
Parents concerned about cost of litigation	80%
Parents genuinely desire to reduce conflict	73%
Other	27%

**Table 9. Indicators that a Family Will Not Benefit from Parenting Coordination (Coordinator Perspective)**

<b>INDICATORS THAT A FAMILY WILL NOT BENEFIT FROM PARENTING COORDINATION</b>	
Domestic violence	67%
One or both parents not invested in process	67%
Substance abuse	53%
Personality disorder of a parent	47%

In accord with the attorneys' responses, coordinators suggested that for the process to work, parents must possess some capacity to change, and put their children first. "Parents are able to increase in personal comfort about their own effectiveness and have capacity to work with a changing situation." "Parents have strong investment in the primacy of the needs of the children and some capacity to understand that the best interests of any child involve the ability to claim the love and attention of each parent as part of their lives."

One person identified the following as obstacles to success: “Parents tired of court (and persons affiliated with the court). Parents who don't believe anyone else should suggest how to parent their child. Parents who are unable to look past their disdain for the other parent long enough to see how their interactions with the other parent negatively affect their child.”

Coordinators also emphasized, as did the attorneys, the support of attorneys, and the ability of the coordinator to interpret legal documents as important to success.

Considering that parenting coordination without parental consent is a divisive issue, it was important to find out whether key informants thought parenting coordination can be beneficial if ordered over the objection of one or both parents. Like the attorneys, most coordinators (67%) said yes. Their comments were remarkably consistent. Most thought it a necessary condition but were open to the possibility that once the dissenters were in, they would see the benefit and engage. “I consider it unlikely but not impossible to work in a situation where one parent is rejecting of the process to start -- but the risk of failure is significantly higher.” “It can be beneficial. But as I previously stated, PC works best if the parents are able to reach an agreement. It can be more difficult to obtain the agreement of someone who does not want to participate in the process. So the PC would be likely to have to make more decisions.”

Several questions related to the cost of parenting coordination services. Fees have great potential to cause conflict and affordability is a serious concern. The responses closely matched what parents reported.

The most common hourly rates charged were \$200 to \$249, and \$150 to \$200, although some went as high as \$300 or more, or as low as under \$100. These rates are commensurate with the fees charged by mental health professionals and attorneys in this geographic area.

Almost three quarters charged retainers, mostly between \$1,000 and \$1,499. Retainers went as high as \$2,500 or more, or as low as \$500. Half of the coordinators billed two to four hours a month, on average. Thirty-five percent billed an hour or less. Fourteen percent billed five to seven hours per month.

The allocation of the cost of parenting coordination between parents arose as a significant issue. In the past, some appointment orders were nothing more than a short sentence stating parents were to use the services of a parenting coordinator. Without specific instructions as to who was pay, the responsibility for payment was left to the coordinator, or according to the terms of a retainer agreement.

The general preference was for parents to split the cost. Other choices were for parents to pay equally on joint issues, with each parent paying for his or her own time. Generally, coordinators wanted the court to spell out the responsibility in advance to avoid making that judgment. “I do not wish to be the decision maker in such a situation as it will contaminate any of the work I am doing with the couple.” Other approaches were to share it equitably or according to the parents’ income if they are significantly disparate. One coordinator explained, “My preference is to distribute costs evenly. I have had to work with orders that specified differences usually based on access to income, which has some reasonableness to it. I have had one case in which depending on which ‘side’ I endorsed in a dispute, the other side would need to pay the bill. I consider that to be a very destructive and dynamically inappropriate order that leads into all kinds of unnecessary games.”

The factors that influenced coordinators’ decisions not to bill equally were to “control abuse of the process,” “persistent overuse of the PC by one parent without a basis,” and “ability

to pay.” The excessive use of time by one parent who causes problems and dominates the use of the process was the main justification for assessing the cost to that parent.

Half of the coordinators had experienced fee disputes and half had not. The disputes involved inability to pay the bill, one parent refusing to pay the retainer, and disputing charges even though they were explained in the signed fee agreement. Disputes were over who caused the dispute and who “won.” “One party believes the other caused the need for the PC intervention so that party should pay.” “Whether the decision represented a victory for one side and therefore meant the other was responsible for the payment.”

To enhance timely payment of fees, 85% of the coordinators thought parents should post a cash bond with the Court to secure payment for future services. Forty-six percent agreed that the Court should oversee collection of parenting coordination fees. One suggestion was for the Court to order a retainer deposited in an I.O.L.T.A.,<sup>49</sup> to be replenished upon depletion until the process terminated.

One aim of this project was to determine whether exposure to liability and ethics complaints was a significant issue for parenting coordinators. High conflict parents tend to be high conflict in other relationships, which can manifest in claims, and complaints to licensing boards. Several questions thoroughly explored this. No one reported having had a claim, lawsuit, complaint, disciplinary complaint, grievance, or insurance claim related to providing parenting coordination services. Fifty-four percent said their professional insurance policies covered parenting coordination. Eighty percent expressed little concern or no concern about receiving one. The lack of concern over liability and complaints came as a surprise. This may be related to the fact that coordinators are mainly attorneys. For whatever reason, they may not

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<sup>49</sup> Ohio law requires attorneys to maintain an I.O.L.T.A. (Interest On Lawyer Trust Account) for retainers paid by clients, but not yet earned by the attorney.

have the same worries about a grievance filed for alleged ethical misconduct as mental health professionals might with a complaint to their licensing boards.

To avoid such issues, coordinators suggested that the Court formally appoint the coordinator and specify his or her powers and emphatically state in the order that the coordinator possesses quasi-judicial immunity, like guardians *ad litem* possess. Other proposals were for the Court to provide a standard retainer agreement similar to a mediator retainer agreement, have an internal court process to address complaints, and provide parenting coordination training beyond the initial training. These comments revealed that some coordinators are not familiar with the new rules and not aware they already mandate a formal appointment order that specifies the scope of authority and an internal court process to complain of coordinator misconduct.

## **Conclusions and Recommendations**

The purpose of this project was to gather empirical evidence as to whether parenting coordination works in reducing litigation and parental conflict since the process has not been fully validated as an effective dispute resolution and conflict reduction mechanism. The aim was to learn how parenting coordination has been conducted in this jurisdiction to establish a baseline of the effectiveness of parenting coordination before regulation, when parenting coordination was handled privately between parents, attorneys and parenting coordinators. This was to provide a basis to improve and expand the Court's parenting coordination program, if warranted. The objective was also to add to the limited empirical data available about this innovative but not well-known process to help guide family law professionals and other courts considering utilizing parenting coordination.

It is important to recognize that parenting coordination in this jurisdiction is in its infancy. These results are affected by the multiplicity of ways appointments took place, the practice has been conducted, and the level of experience of coordinators, as well as by the small sample size. It is impossible to make generalizations about the general efficacy of parenting coordination under these irregular conditions. Once parenting coordination is more established and variables such as appointment protocols, the rate charged, the background and experience of the coordinator, the duration of the appointment, and the delivery of services, become more standardized and uniform, a follow up study should take place to more authoritatively isolate the parenting coordination process as the influencing factor.

It is also important to remember that some of the concerns and impediments about the practice raised in the literature and by survey participants have already been remedied by state rules that now govern parenting coordinator appointments.

**CONCLUSION 1: PARENTING COORDINATION SEEMS TO BE VERY EFFECTIVE IN REDUCING LITIGATION.**

There was a strong association between parenting coordination and less litigation. Litigation declined dramatically after the appointment of a parenting coordinator. It continued unabated and even increased in high conflict cases not using this intervention. These results confirm similar findings in the other studies that have examined court usage following a parenting coordinator appointment. Notwithstanding, parenting coordination does not seem to work in reducing litigation for everyone. Court usage did not decline in every case with a coordinator.

Despite ostensibly impressive results, it is important to remember that parents can stop litigating for reasons that may have nothing to do with parenting coordination. One-third of the parents in the high conflict control group ceased coming to court or litigated less aggressively, without the help of a coordinator. Also, the survey results indicated parenting coordination terminated for half of the parents in the sample, in many instances due to cost and lack of progress, but the decline in court usage in the parenting coordination cases, suggests these parents did not necessarily continue to litigate. This is an indication that other factors may be responsible for high conflict parents not returning to court.

As an example, the litigation that gives rise to the appointment of a coordinator tends to be extremely expensive. Attorney fees may be thousands of dollars and it is common for parents to stay on payment plans for years. With this much debt, parents may avoid using the coordinator and returning to court, although the level of conflict may remain undiminished. Parents may also stop litigating because one or both have given up the fight, and accepted the court's judgment especially if it comes after a trial. A formal adjudication of rights and responsibilities can be sobering; the event itself may dampen the desire to come back.

Alternatively, parents may have completely disengaged (no communication, no conflict) or shifted toward a parallel (low communication but low conflict) parenting model on their own.<sup>50</sup> It is also possible their hostility has simply subsided with the passing of time, and they have transitioned into a less conflicted co-parenting relationship as most parents eventually do.

Additional research is needed that tracks individual cases closely to pinpoint the precise reasons parents stop litigating. Until then, caution is urged in crediting parenting coordination exclusively with reduced litigation.

**Recommendation 1.1: Cases in which parenting coordinators have been appointed should be closely followed to determine if litigation decreases and to identify if any decrease is attributable to parenting coordination or some other variable.**

**CONCLUSION 2: PARENTING COORDINATION RESOLVES DISPUTES AND PREVENTS PARENTAL CONFLICT FROM ESCALATING INTO “LEGAL” CONFLICT BUT DOES NOT NECESSARILY IMPROVE THE CO-PARENTING RELATIONSHIP.**

Parenting coordination does not decrease *disagreements* between parents but does resolve their disputes. Whether it reduces *conflict* depends upon the perspective of the participant group. Professionals are more likely to see a conflict reduction than parents are. These disparate views are consistent with previous research findings (Lally & Higuchi, 2008). The explanation may be that the groups define conflict differently. Attorneys and parenting coordinators may equate reduced litigation with reduced conflict. Parents who are hostile to each other and continue to actively disagree about parenting issues and require the help of a professional may interpret this as no change in the conflict level.

What parenting coordination does seem to do is manage disputes so they do not intensify and escalate into the destructive “legal” conflict that put children in the crossfire. Parenting coordination seems to function as a safety valve to relieve the pressure. Antagonistic parents

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<sup>50</sup> See Sullivan (2008) for a discussion of parallel parenting, and disengagement.

have someone to present their concerns to who can nip the problem in the bud. If disputes are resolved quickly, the parents stay out of court and avoid the heightened oppositional behavior and hostility engendered by the adversarial court process. In this way, parenting coordination may be considered very effective in reducing the elevated levels of conflict that have become the norm in the case. If conflict is contained and children are spared from being drawn into this especially damaging type of conflict only, it can still be said to be a “win-win” for children, parents, and courts.

Even so, parenting coordination does not necessarily transform the parenting relationship from dysfunctional to cooperative. Coordinators believe parenting coordination has a positive impact on improving communication and the ability to work with the other parent. But parents, whose opinions matter the most, view it as largely ineffective. These results echo research that has found differences in perceptions between professionals and parents, and a lack of significant changes in the ability to work cooperatively after participating in parenting coordination (Vick & Backerman, 1996; Lally & Higuchi, 2008; Kelly & Higuchi, 2014; Carter & Lally, 2014).

These results lend support to Sullivan’s (2008) proposition that legal and mental health professionals should shift their focus from interventions designed to assist conflicted parents to become cooperative, toward interventions that allow them simply to disengage. Some parents will never change their attitude toward the other parent. In his view, focusing on achieving cooperation tends to keep the level of conflict high because these parents are unable to resist the pull to engage in conflict and are functionally unable to parent cooperatively. He believes parenting coordination should embrace a parallel parenting model<sup>51</sup> that keeps the conflict low by reducing the interaction and level of engagement, but still works to the advantage of children

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<sup>51</sup> Parallel parenting is a style that where parents who do not have the skills to interact, parent “next to each other” rather than together.

since those living in this model seem to adjust as well as children raised in a cooperative co-parenting model.

Better comprehension of what parenting coordination can accomplish for a particular family is important in deciding whether to appoint a parenting coordinator. Professionals should be aware that an appointment might still be worthwhile even if parents will never become allies. Ideally, parents will learn how to parent cooperatively. If not, there seems still to be benefit in providing authoritative decision-making and an interface through which parents can communicate that allows the parents to move on, even if it is only to the next dispute.

**Recommendation 2.1: Family law professionals should share a realistic view of what the parenting coordination process can accomplish given the nature of the parents' relationship and willingness and capacity to cooperate.**

### **CONCLUSION 3: PARENTS LACK UNDERSTANDING ABOUT THE PROPER ROLE OF A PARENTING COORDINATOR.**

Parents do not seem to understand the role of a parenting coordinator before the process begins, although they think they do. As a result, they may have unrealistic expectations that lead to frustration with the process.

How the process works and what a parenting coordinator can and cannot do should be thoroughly explained to parents. The value in sticking with the process – an enhanced quality of life for the family – should be explained so they have a better understanding of what parenting coordination can achieve and the length of time that will be needed to make progress.

Explanations should come directly from the Court to ensure that the process is thoroughly and uniformly explained to all parents. Brochures and literature should be provided early in the court process. At a minimum, information can be provided on the court website. Explanations coming from the court also have the benefit of providing an indicia of authority to the coordinator. Parents may not respect a private practitioner providing services away from the

courthouse the same way they do a judicial officer in a courtroom and may believe that coordinators can be ignored. Judges and magistrates should consider introducing the coordinator to parents while they are at court to aid in the transition.

**Recommendation 3.1: The Court should ensure that parents are fully informed about the parenting coordination process and provide parents with standardized comprehensive information about parenting coordination.**

**CONCLUSION 4: PARENTING COORDINATORS WOULD BENEFIT FROM LEARNING OPPORTUNITIES TAILORED FOR THE PARENTING COORDINATOR ROLE.**

Because parenting coordination is a new role, many who have begun the practice do not have a great deal of experience with it. Although the pre-service education and training is considerable, and three hours per calendar year of continuing education relating to children for lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events approved by the Dispute Resolution Section of the Supreme Court are required, there are no continuing education courses designed exclusively for parenting coordinators, as yet.

Intensive skills training is needed as new coordinators acquire experience and to bridge the gap between professional backgrounds. Parenting coordinators require enormous expertise. As an example, those who are not mental health professionals may need skills training on techniques to manage and motivate high conflict parents. Parenting coordinators who are not mediators may need training on active listening, questioning and clarifying, defining points of agreement and disputes, and generating options. Parenting coordinators who are not attorneys may need skills on how to construct a credible decision. They may also need education on aspects of domestic relations law, legal issues that relate to interpretation of a parenting order,

and the concept of procedural due process. This goes beyond what is covered in the two-day parenting coordination pre-service training offered by the Ohio Supreme Court.

Information specific to parenting coordinators can be provided in many ways. The Ohio Judicial College could develop a continuing education curriculum. Continuing education could be offered by the Court's parenting coordination program director, the family law section of the bar association, and the Ohio Chapter of the AFCC. The Court could work with the mental health community to develop such courses. Particularly useful would be regular meetings such as monthly or quarterly "lunch and learns." This would allow coordinators to form a network to ask questions and share experiences. Coordinators could also take advantage of the AFCC national parenting coordination listserv and the Ohio Supreme Court's quarterly parenting coordination teleconference round tables, as well as the resources in the Ohio Supreme Court's tool kit. A mentoring program similar to the Court's guardian *ad litem* mentoring program should be considered. The Court could host and manage such initiatives.

**Recommendation 4.1: The Court should work together with the legal community to provide continuing education designed specifically for parenting coordinators and opportunities for parenting coordinators to develop a community of practice.**

#### **CONCLUSION 5: FAMILY LAW PROFESSIONALS ARE UNFAMILIAR WITH THE ROLE OF THE PARENTING COORDINATOR.**

The success of parenting coordination requires a collaborative effort. Because the process is new, few really understand it.

All of the actors in the adjudicative process – judges, magistrates, attorneys, guardians *ad litem*, mediators, and custody/parenting evaluators – should have a thorough understanding of the role and the way the process works. Family law professionals need education about parenting coordination the same way they need interdisciplinary training about mediation, collaborative law, guardian *ad litem* pre-service training, and custody/parenting evaluations. The persons who

have the most power to influence children's lives should be equally knowledgeable about the similarities and differences in these roles. They should all "speak the same language."

This knowledge is especially important as a foundation to screen families into the right intervention, to inform recommendations and decision-making about custody and parenting, to advise clients, to make policy, and to avoid providing misinformation. Ideally, judges, magistrates, attorneys, guardians *ad litem*, mediators, and custody/parenting evaluators would receive the same training required to qualify as a coordinator, but shorter targeted trainings about parenting coordination would suffice.

**Recommendation 5.1: Education and training about the parenting coordination process should be provided to judges, magistrates, attorneys, mediators, and custody evaluators.**

#### **CONCLUSION 6: THERE IS A LACK OF PROFESSIONAL DIVERSITY AMONG PARENTING COORDINATORS.**

The program would benefit from having more pure conflict resolution and mental health professionals on the approved list of providers.

Diversified professional backgrounds among coordinators are important to ensure there are choices in matching parents with the right coordinator. One's field of study influences perspective and orientation toward the work. There are strengths in each kind of professional training. Although all coordinators receive the same mediation and parenting coordination training, some backgrounds may be more suited to certain relational dynamics and recurrent issues than are others. Some issues, like temporary adjustments to transportation and pick up times, are less involved. Others, such as appropriate discipline and child rearing, may require more teaching and discussion to change attitude and behavior. Mental health professionals may emphasize providing insight, mediators may emphasize facilitating communication, and attorneys may focus on interpreting orders. Each family is unique and it is critical to the success

of the parenting coordinator process, that the coordinator be suited to meet the needs of different families. The need for a different perspective is especially important since guardians *ad litem* in the Court's program, are, almost exclusively, attorneys. Court appointments in matters involving children should not be dominated by professionals with a single background.

**Recommendation 6.1: The practice of parenting coordination should be promoted among mental health and conflict resolution professionals.**

#### **CONCLUSION 7: COURT OVERSIGHT IS NEEDED TO SUPPORT THE LEGITIMACY AND SUCCESS OF PARENTING COORDINATION.**

Courts should closely oversee all aspects of the parenting coordination process to be mindful of the procedural justice concerns raised by this profoundly different role and to avoid being perceived as merely delegating their judicial responsibilities. The superintendence rules resolve many concerns at a policy level; the challenge now is in implementation. The Court must be vigilant to ensure that coordinators to whom they delegate their judicial authority are fair, impartial, and accountable, in the same way a hearing officer must be. The Court must demand a high level of competency and performance of its practitioners, insist on explanatory written decisions, and provide accessible avenues for judicial review. Ultimately, the actions of court-appointed parenting coordinators reflect upon the Court. Parenting coordinators should be considered officers of the court. Black's Law Dictionary defines "officer of the court" as a person who is charged with upholding the law and administering the judicial system.

The difficulty encountered in this project in determining which cases had parenting coordinators revealed the need for a uniform method of entering appointments in the case management system, and notifying the parenting coordination program director of appointments. Without this at a minimum, monitoring is impossible. The Court cannot comply with rule directives to appoint qualified individuals, make equitable distributions, and ensure that

appointment orders include requisite language about duration and termination of the appointment, scope of authority, responsibility for fees, confidentiality, and other important safeguards, if it cannot identify which cases have coordinators. The Court should consider adopting the same protocols used for the appointment of guardians *ad litem* that require appointments to go through the guardian *ad litem* program director.

Judicial staff should thoroughly scrutinize proposed appointment orders to avoid the difficulties created by skeletal appointment orders. An easy way to avoid inadequate orders is to use the Court's standard appointment order (Appendix 19) exclusively, which was developed to comply with the rules and to ensure quality control. In addition, reports from parenting coordinators should be required for the Court to address problems and to determine if there is continued need for parenting coordination in the particular case. These reports could be made at least annually on the anniversary of the appointment, or more often. These reports could also be used to identify impediments to the success of the process and in reassessing the court program.

It is important to remember that Sup.R. 8 requires that appointments be distributed equitably among all persons on the approved appointment list but also allows the court to consider the skill and expertise of the appointee in the area of the appointment and the management by the appointee of his or her current caseload. The training required to become a parenting coordinator is substantial and costly. Those who have qualified to provide services have made a commitment toward serving in this capacity. The majority of coordinators on the list have not received the available appointments. This has the potential to discourage coordinators from remaining on the list, reducing the number of qualified service providers.

The Court can encourage more parenting coordinator appointments, better coordinator/family matches, and equitable distributions by publishing the names of the approved

list on its website and creating opportunities for attorneys to meet approved coordinators. Because parenting coordination is new, attorneys are hesitant to allow their clients to try it especially if they are not personally acquainted with the coordinator. “Meet and greets” like the Court has sponsored for attorneys and guardians *ad litem* would allow parenting coordinators and attorneys to ask questions and get to know each other.

**Recommendation 7.1: Protocols should be instituted for making parenting coordination appointments and entering them in the case management system.**

**Recommendation 7.2: Parenting coordinators should be required to report regularly as to usage of parenting coordination, the progress made, and problems encountered.**

**Recommendation 7.3: A procedure should be developed for distributing parenting coordinator appointments.**

**Recommendation 7.4: Attorneys and parents should be informed of parenting coordinators participating in the Court’s program.**

#### **CONCLUSION 8: ISSUES RELATED TO PARENTING COORDINATION FEES NEED TO BE ADDRESSED.**

Fees are concerning because they add another layer of conflict that threatens to derail the process. Parents balk at paying fees they feel the other parent caused that they cannot control. Coordinators feel uncomfortable deciding who should pay the bill and want the court to make that call. Coordinators would appreciate some help from the court to ensure they are paid for their services.

Parenting coordination is costly and affordability is a major concern for parents. The rates charged are that of licensed professionals, who are diversifying their practices. Since parenting coordination is not counseling or therapy, it does not qualify for insurance reimbursement even if provided by a mental health professional, so the cost is borne entirely by the parents.

The court approved compensation rate is \$250/hour. If coordinators bill on average three to four hours a month as they report, parents can expect to receive a recurrent bill of \$750 to \$1,000/month. Unless there is significant disposable income, this can be difficult to absorb into a budget. Some parents can afford it and find it much cheaper than the cost of two litigators. Others find it prohibitive. Even though parents' combined income in these cases has historically been significantly higher than the average, one parent may earn substantially less than the other may, so that splitting the cost does not necessarily make it affordable. The rates charged can act as a deterrent to obtaining needed assistance.

The appropriate rate for a parenting coordinator is open to question. On the one hand, the experience, background, and training required to serve is substantial and should be reflected in the fee. Private providers have much to contribute and can make a real difference in the right circumstances. Few practitioners will be willing to accept appointments if the compensation is less than what they can earn in their primary field, especially if the appointment lasts for a long time. Parenting coordination is not a *pro bono* endeavor. Although Sup.R. 90.01 requires that provisions be made for the waiver of fees for indigent parties, providers will not be willing to serve if their fees are waived. Also, parties can also control their own costs by how often they choose to contact the coordinator. On the other hand, while parenting coordination requires a depth and breadth of knowledge, it does not demand the sophisticated advocacy skills of attorneys, who make up the bulk of coordinators. It can reasonably be argued that as court appointees providing services for families, market rates for legal professionals should not be charged for parenting coordination. It can also be argued that one parent may be driving usage so that cost is not actually in both parties' control.

Fees are also concerning because coordinators withhold services for failure to pay, which is permitted under Loc.R. 38. This defeats the purpose of parenting coordination. Arguably, if parents are ordered to present their disputes to a coordinator, then the coordinator accepting the appointment should not be permitted to unilaterally terminate services, in effect terminating the appointment. If the best interest of children requires the appointment of a coordinator, then the best interest of children likewise requires that the court approve the termination of the coordinator if prior to the natural termination of the appointment. Parenting coordinators should be required to notify the court in writing if the appointment is no longer in the best interest of the child, or the coordinator or the parents wish to terminate the appointment. The Court may schedule a hearing and review the matter, and enter appropriate orders, including termination orders.

Another difficulty is that coordinators require parents to pay retainers and sign contracts upon which they can sue to ensure they get paid. This practice is a relic of pre-rule days when parenting coordination was private. It blurs the role of a coordinator as a court appointee with judicial authority and can come across as unseemly, especially if parents have not consented to the appointment. A separate contract is arguably superfluous with an appointment order; guardians *ad litem* do not enter into separate contracts although parents are responsible for their fees.

To transition parenting coordination from a wholly private enterprise to a court regulated service, existing practices that bypass the court should be altered. The Court should require appointees to file itemized fee and expenses statements on a regular basis and serve them on the parents, in accordance with Sup.R. 8. Both parents and coordinators should be made aware that fees can be challenged as excessive and unreasonable, and the burden of proving the

reasonableness of the fees, if contested, is on the appointee. It is important to remember that parenting coordinators are not different from other court appointees and are subject to Sup.R. 8 (Appendix 18).

At the same time, the Court must protect the integrity of its orders and require that parents comply with payment responsibilities. If fees are not challenged, the Court should award judgments to coordinators in the same way it awards judgments to guardians *ad litem*. The Court should consider other ways to ensure payment, like the posting of a cash bond with the Clerk of Court.

**Recommendation 8.1: Parenting coordination should not be ordered without first determining whether parents have the ability to pay the court-approved rate or have consented to the appointment after being fully informed of the cost.**

**Recommendation 8.2: A protocol for enforcing the payment of parenting coordination fees should be established.**

**Recommendation 8.3: Parenting coordinators should obtain court approval to terminate an appointment prematurely.**

#### **CONCLUSION 9: PARENTS WANT AN ALTERNATIVE TO THE TRADITIONAL ADJUDICATORY PROCESS.**

The need for a way to help parents with ongoing disagreements that are not really legal disputes, outside the formal adjudicatory process, is undeniable. No one – parents, attorneys, or the Court – finds all this use of the legal process particularly productive.

What came across loud and clear is that parents want a more accessible forum to get help with parenting matters from time to time, and to avoid coming to court which they find costly, inefficient, and impersonal. They are willing to sacrifice some due process rights to get it. They find the concept of parenting coordination appealing at first. However, after experiencing the process, many become disenchanted with it. Parents seem to either begin to make strides, or

become disillusioned for whatever reason and quit using parenting coordination services.

Parenting coordination is plainly not a panacea.

The reasons some parents prematurely withdraw from the process are difficult to discern and need to be explored in depth. One possible reason is that the appointment was made without much thought whether the parents were good candidates for the process. They may have qualified as high conflict parents who could potentially benefit from the process but have been lacking in the personal motivations and capacities that seem necessary to make it successful. They may not have been able to pay for services. The appointment may also have been made without much explanation to parents; some parents in these samples were not even aware they had a coordinator. The lack of specificity in the appointment may also have created controversies and conflicts that prevented the process from being effective.

The strong interest in a court alternative and the fact that some parents find it helpful indicates that action should be taken to improve the parenting coordination program in a way that alleviates the concerns expressed by parents.

The appeal the process holds also suggests that parents would be receptive to other models besides parenting coordination that could assist them with post-judgment disputes. This could be through a court connected compliance officer, the existing pilot case management program, or a compulsory family dispute resolution conference. Services could also be provided through community resources such as a graduate school or law school clinic. The Court should explore creative ways that other jurisdictions are using to address post-judgment dispute resolution outside the courts.

**Recommendation 9.1: The Court should explore and support creative ways to get parents the help they need with parenting disputes that lie outside the adjudicatory process.**

**CONCLUSION 10: AN IN-HOUSE PARENTING COORDINATION PROGRAM WOULD MEET THE NEEDS OF MORE HIGH CONFLICT PARENTS THAN THE PRIVATE PROVIDER MODEL.**

High conflict is not restricted to affluent parents. Less economically well-off parents and their children also need access to a less adversarial forum to resolve ongoing disputes about the details of their parenting plans and could benefit at least as much as more affluent parents. Yet parenting coordination is not accessible to low- and middle-income parents because of cost.

The Court should consider establishing a low cost internal parenting coordination program component to complement the private provider model. It should consider utilizing its mediators to provide parenting coordination on a trial basis. Its mediators have been trained in parenting coordination and are already qualified to serve. Charges for the internal program could be similar to the cost of case management, which is \$25/hour, or the cost of mediation, which is \$250 per dispute with unlimited sessions. Another possibility would be to charge \$250 per year per person with an unlimited number of disputes and sessions.

There are additional benefits to an internal program. Parents can easily be directed to coordinators and requests for help can be easily processed through the court's website, as occurs now with mediation requests. In-house coordinators may be more available than private providers for whom parenting coordination is secondary to private practice in their primary fields. With a larger caseload, they are also more likely to become proficient more quickly. In-house service providers will also possess the indicia of the court's authority that private providers lack. Standardized procedures could be developed and services can be delivered more uniformly, eliminating some of the operational variables that have affected the success of parenting coordination. Evaluating how well the program is working can be accomplished much more easily than the private program since parents and coordinators will be on the premises;

their input can be gathered through on site surveys and interviews. Necessary changes can be implemented quickly.

**Recommendation 10.1: An affordable in-house parenting coordination pilot program that is affordable for low and middle-income parents should be developed.**

### **Concluding Remarks**

Parenting coordination is not without its problems but the results are promising enough that the Court should establish an internal program component while continuing to improve the private provider model. At the same time, it should institutionalize data collection as to the effectiveness of both parenting coordination components to allow for continuous program improvement.

In assessing whether parenting coordination is effective, ultimately, it is parents whose opinion matters the most. It is important to remember that high conflict parents may never be entirely satisfied with outcomes they do not agree with, whether provided by a court or a coordinator. Parenting coordination may never achieve the high marks for satisfaction that mediation enjoys. However, the keen desire for a better way than what is now available compels courts and the legal community to continue supporting and searching for innovative processes that strive for more holistic outcomes.

### **Suggested Future Research**

This study merely scratches the surface of the work that needs to be done in determining what works to reduce litigation and minimize parental conflict post judgment.

Additional research is needed to ascertain whether the reduction in litigation in parenting coordination cases is attributable to the success of the process or some other variable. Research is also needed to look closely at high conflict cases without coordinators in which court involvement has ended to identify the influencing factor. This work could explore how litigation in high conflict cases without any kind of intervention correlates with the number of years since the divorce, i.e., do even high conflict couples stop litigating at some point on their own?

Additional research is also needed to evaluate how effective parenting coordination is compared to other less expensive conflict prevention programs and interventions. Like parenting coordination, the effectiveness of these processes need to be validated by more data (Grych, 2005; Kelly, 2002). Longitudinal studies are needed to compare litigation rates, levels of conflict, cooperativeness, and children's adjustment and outcomes when parents use parenting coordination, receive intensive parenting education, use online communication tools, or engage in court ordered parenting coaching and therapy. These studies are needed for courts to determine which programs are likely to be most beneficial in terms of improving outcomes for children as well as cost savings. Future studies could gather the viewpoints of children, the intended beneficiaries of the process, after they have reached the age of majority, to assess whether they believe having a coordinator helped reduce parental conflict. Research could also examine the effect of going through a trial ("having one's day in court") on future litigation.

Most useful would be studies that help pinpoint what program attributes and family characteristics would allow a family to respond well to parenting coordination.



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## **Appendix 1. Supreme Court of Ohio Parenting Coordination Rules of Superintendence**

### **RULE 90. Definitions.**

As used in Sup.R. 90 through 90.12:

#### **(A) Domestic abuse**

“Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

#### **(B) Domestic violence**

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

#### **(C) Parenting coordination**

“Parenting coordination” means a child-focused dispute resolution process ordered by a court of common pleas or division of the court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710 or Sup.R. 16.

#### **(D) Parenting coordinator**

“Parenting coordinator” means an individual appointed by a court of common pleas or division of the court to conduct parenting coordination.

### **RULE 90.01. Local Parenting Coordination Rule.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall adopt a local rule governing all ordered parenting coordination that does all of the following:

(A) Addresses the selection and referral of a case to parenting coordination at any point after a parental rights and responsibilities or companionship time order is filed;

(B) Addresses domestic abuse and domestic violence screening, both before and during parenting coordination;

(C) Addresses appropriate referrals to legal counsel, counseling, parenting courses, and other support services for all parties, including but not limited to victims and suspected victims of domestic abuse and domestic violence;

(D) Allows parties, their attorneys, and any other individuals designated by the parties to attend and participate in parenting coordination sessions;

- (E) Prohibits a parenting coordinator, even with consent of the parties, from serving in multiple roles with the same family that creates a professional conflict, including but not limited to a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party;
- (F) Allows a mediator to also serve as a parenting coordinator with the same family, provided there is written consent of the parties and it is approved by the court or division;
- (G) Addresses the issuance of parenting coordination agreements and reports or decisions by a parenting coordinator;
- (H) Addresses terms and conditions for fees, including provisions for waiver of fees for indigent parties;
- (I) Provides that the decision of a parenting coordinator is effective immediately and remains effective unless ordered otherwise by the court or division;
- (J) Allows for objections to the decision of a parenting coordinator;
- (K) Addresses the appointment and termination of appointment of a parenting coordinator;
- (L) Establishes procedures for the periodic evaluation of parenting coordinators;
- (M) Establishes procedures for the submission, investigation, and hearing of complaints regarding a parenting coordinator;
- (N) Addresses other provisions as the court or division considers necessary and appropriate.

**RULE 90.02. Reasons for Ordering Parenting Coordination.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division may order parenting coordination when the court or division determines one or more of the following factors are present:

- (A) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- (B) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- (C) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court or division, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;

(D) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the court or division, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court or division;

(E) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;

(F) Any other factor as determined by the court or division.

**RULE 90.03. Inappropriate Uses of Parenting Coordination.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall not order parenting coordination to determine any of the following:

(A) Whether to grant, modify, or terminate a protection order;

(B) The terms and conditions of a protection order;

(C) The penalty for violation of a protection order;

(D) Changes in the designation of the primary residential parent or legal custodian;

(E) Changes in the primary placement of a child.

**RULE 90.04. Use of Parenting Coordination when Domestic Abuse or Domestic Violence is Alleged, Suspected, or Present.**

When domestic abuse or domestic violence is alleged, suspected, or present, parenting coordination may proceed only if all of the following conditions are satisfied:

(A) The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the parenting coordination process and of the option to have a support person present at parenting coordination sessions;

(B) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic abuse or domestic violence and all other persons involved in the parenting coordination process;

(C) Procedures are in place for the parenting coordinator to terminate a parenting coordination session if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

**RULE 90.05. General Parenting Coordinator Appointment Qualifications.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall not appoint an individual as a parenting coordinator unless the individual meets all of the following qualifications:

- (A) Possesses a master's degree or higher, law degree, or education and experience satisfactory to the court or division;
- (B) Possesses at least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the court or division;
- (C) Has completed in the following order the following training that has been approved by the Dispute Resolution Section of the Supreme Court and that meets standards established by the Supreme Court Commission on Dispute Resolution:
  - (1) At least twelve hours of basic mediation training;
  - (2) At least forty hours of specialized family or divorce mediation training;
  - (3) At least fourteen hours of specialized training in domestic abuse and dispute resolution;
  - (4) At least twelve hours of specialized training in parenting coordination.

**RULE 90.06. Parenting Coordinator Qualifications in Abuse, Neglect, or Dependency Cases.**

In addition to the qualifications under Sup.R. 90.05, a court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall not appoint an individual as a parenting coordinator in an abuse, neglect, or dependency case unless the individual meets both of the following qualifications:

- (A) Possesses significant experience working with family disputes;
- (B) Has completed at least thirty-two hours of specialized child-protection mediation training that has been approved by the Dispute Resolution Section of the Supreme Court and that meets standards established by the Supreme Court Commission on Dispute Resolution.

**RULE 90.07. Parenting Coordinator Continuing Education.****(A) Requirement**

A parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children. The continuing education may include continuing education for

lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events that are approved by the Dispute Resolution Section of the Supreme Court and that meet standards established by the Supreme Court Commission on Dispute Resolution.

**(B) Annual report**

On or before January 1st of each year, a parenting coordinator shall report to each court or division from which the parenting coordinator receives appointments a list of all continuing education training completed during the previous year pursuant to division (A) of this rule, including the sponsor, title, date, and location of each training.

**(C) Failure to comply**

If a parenting coordinator fails to comply with the continuing education requirement of division (A) of this rule, the parenting coordinator shall not be eligible to serve as a parenting coordinator until the requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

**RULE 90.08. Appointment Order.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division, when ordering parenting coordination, shall issue a written appointment order providing information regarding the appointment of the parenting coordinator, including but not limited to the following:

- (A) The name of the parenting coordinator and any contact information for the parenting coordinator the court may choose to include;
- (B) The specific powers and duties of the parenting coordinator;
- (C) The term of the appointment;
- (D) The scope of confidentiality;
- (E) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator.

**RULE 90.09. Responsibilities of Court or Division Using Parenting Coordination.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division shall do all of the following:

- (A) Maintain a roster of all parenting coordinators appointed by the court or division, including the name; address; telephone number; and, if available, electronic mail address of each parenting

coordinator. The court or division shall require each parenting coordinator to notify the court or division of any changes to this information.

(B) Require each parenting coordinator appointed by the court or division to submit to the court or division a resume documenting compliance with the parenting coordinator qualifications under Sup.R. 90.05 and, if applicable, Sup.R. 90.06. The court or division shall require each parenting coordinator to provide an updated resume to the court or division in the event of any substantive changes to the information contained in the resume.

(C) Require each parenting coordinator appointed by the court or division to submit to the court or division on or before January 1st of each year a list of continuing education training completed by the parenting coordinator during the previous calendar year pursuant to Sup.R. 90.07(A), including the sponsor, title, date, and location of each training;

(D) On or before February 1st of each year, file with the Dispute Resolution Section of the Supreme Court all of the following:

- (1) A copy of the local rule adopted by the court or division pursuant to Sup.R. 90.01;
- (2) A copy of the current roster of parenting coordinators appointed by the court or division maintained by the court or division pursuant to division (A) of this rule;
- (3) A copy of each new or updated resume received by the court or division from a parenting coordinator during the previous year pursuant to division (B) of this rule;
- (4) A copy of each list of continuing education training received by the court or division from a parenting coordinator pursuant to division (C) of this rule.

**RULE 90.10. Responsibilities of Parenting Coordinator During Parenting Coordination.**

**(A) Compliance with appointment order**

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the court of common pleas or division of the court pursuant to Sup.R. 90.08.

**(B) Independence, objectivity, and impartiality**

A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

**(C) Conflicts of interest**

(1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from

professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

(2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the appointing court or division and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the court or division.

**(D) Ex parte communications**

A parenting coordinator shall have no ex parte communications with the appointing court or division regarding substantive matters or issues on the merits of the case.

**(E) Legal advice**

A parenting coordinator shall not offer legal advice.

**(F) Report of activity affecting ability to perform**

A parenting coordinator shall have an ongoing duty to report any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

**(H) Disclosure of abuse, neglect, and harm**

(1) A parenting coordinator shall inform the parties the parenting coordinator will report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority.

(2) A parenting coordinator shall report child abuse or neglect pursuant to the procedures in R.C. 2151.421.

**RULE 90.11. Compliance with Guidelines for Parenting Coordination.**

A court of common pleas or division of the court that chooses to use parenting coordination in the court or division and a parenting coordinator shall comply with the "Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the guidelines and Sup.R. 90 through 90.12, the rules shall control.

**RULE 90.12. Confidentiality, Privilege, and Public Access.****(A) Confidentiality**

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the court, shall not be confidential.

**(B) Privilege**

Except as provided by law, parenting coordination shall not be privileged.

**(C) Public access to parenting coordinator files.**

The files maintained by a parenting coordinator but not filed with a clerk or submitted to a court shall not be available for public access pursuant to Sup.R. 44 through 47

**Appendix 2. Cuyahoga County Domestic Relations Court  
Parenting Coordination Local Rule**

**Rule 38: Parenting Coordination**

1.01 Definitions

As used in this rule:

(A) Domestic Abuse

“Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

(B) Domestic Violence

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

(C) Parenting Coordination

“Parenting coordination” means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.

(D) Parenting Coordinator

“Parenting coordinator” means an individual appointed by the Court to conduct parenting coordination.

1.02 Purpose

This rule allows for the resolution of disputes related to parental rights and responsibilities or companionship time orders outside of Court.

1.03 Scope

The Court may appoint a parenting coordinator upon the filing of a parental rights and responsibilities or companionship time order.

#### 1.04 Limitations of Parenting Coordinator

A parenting coordinator may not determine the following:

- (A) Whether to grant, modify, or terminate a protection order;
- (B) The terms and conditions of a protection order;
- (C) The penalty for violation of a protection order;
- (D) Changes in the designation of the primary residential parent or legal guardian;
- (E) Changes in the primary placement of a child.

#### 1.05 Parenting Coordinator Qualifications, Continuing Education, Reporting

(A) The Court may appoint an individual as a parenting coordinator who has all of the following qualifications:

- (1) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
- (2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
- (3) Has completed the following training approved by the Dispute Resolution Section of the Supreme Court of Ohio:
  - (a) At least twelve (12) hours of basic mediation training;
  - (b) At least forty (40) hours of specialized family or divorce mediation training;
  - (c) At least fourteen (14) hours of specialized training in domestic abuse and dispute resolution;
  - (d) At least twelve (12) hours of specialized training in parenting coordination.

### (B) Continuing Education

(1) To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.

(2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division 1.05(C), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three (3) hours of continuing education for each calendar year of deficiency.

### (C) Reporting.

A parenting coordinator shall submit to the Director of the Parenting Coordination Program:

(1) A resume documenting compliance with division 1.05(B); and

(2) An updated resume in the event of any substantive changes; and

(3) Notification of any changes to name, address, and telephone number and, if available, electronic mail address.

### 1.06 Appointment

(A) The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:

(1) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;

(2) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;

(3) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an Order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

(4) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

(5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;

(6) Any other factor as determined by the Court.

#### (B) Parenting Coordinator Appointment Order

The appointment order shall set forth all of the following:

(1) The name, business address and business telephone number of the parenting coordinator;

(2) The specific powers and duties of the parenting coordinator;

(3) The term of the appointment;

(4) The scope of confidentiality;

(5) The fees and expenses to be charged for the services of the parenting coordinator as set forth in division 1.08(G) of this rule;

(6) The parties' responsibility for the payment of fees and expenses for services rendered by the parenting coordinator;

(7) The parenting coordinator has the right to suspend all services until payment of any unpaid balances;

(8) The terms and conditions of parenting coordination;

(9) Any other provisions specifically agreed to by the parties not in conflict with the definition of parenting coordination as set forth in division 1.01 (C) of this rule.

#### (C) Selection of Parenting Coordinator for Appointment

The parenting coordinator may be selected using one (1) of the following methods:

- (1) By the Court randomly from the Court's roster of parenting coordinators; or
- (2) By the Court based on the type of case, and the qualifications and caseload of the parenting coordinator; or
- (3) By agreement of the parties from the Court's roster of parenting coordinators; or
- (4) By any other method approved by the Court.

#### (D) Prohibited Parenting Coordinator Appointments

The Court shall not appoint a Parenting Coordinator who does not possess the qualifications in division 1.05 of this rule, or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate, guardian ad litem, custody evaluator, therapist, consultant, coach, or other mental health provider to any family member, or attorney for either party. Parties may not waive this prohibition.

#### (E) Appointment of Mediator as Parenting Coordinator

With written consent of the parties, the individual who served as a mediator for the parties may be appointed as the parenting coordinator.

#### (F) Termination or Modification of Parenting Coordinator Appointment

Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

### 1.07 Parenting Coordinator Responsibilities

#### (A) Ability to Perform Duties

A parenting coordinator shall report in writing to the Director of the Parenting Coordination Program any factor that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

(B) Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.

(C) Independence, Objectivity, and Impartiality

A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

(D) Conflicts of Interest

(1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

(2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Director of the Parenting Coordination Program and the parties in writing of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court through the Director of the Parenting Coordination Program.

(E) Ex parte Communications

A Parenting Coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(F) Legal advice

A Parenting Coordinator shall not offer legal advice.

(G) Parenting Coordination Agreements, Reports, and Decisions

(1) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.

(2) The parenting coordinator shall first attempt to assist the parties in reaching an agreement

that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be promptly filed with the Court and include all of the following:

- (a) Case caption, including the case number;
- (b) Date of the decision;
- (c) The decision of the parenting coordinator;
- (d) Facts of the dispute and facts upon which the decision is based;
- (e) Reasons supporting the decision;
- (f) The manner in which the decision was provided to the parties;
- (g) Any other necessary information.

(3) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen (14) days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten (10) days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge shall issue a ruling on the objections within thirty (30) days from the date of the last objection filed.

(4) Upon request of the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:

- (a) Dates of parenting coordination session(s);
- (b) Whether the parenting coordination session(s) occurred or was terminated;
- (c) Requests to reschedule a parenting coordination session(s), including the name of the requestor and whether the request was approved;
- (d) Whether an agreement was reached on some, all, or none of the issues;

- (e) Who was in attendance at each session(s);
- (f) The date and time of a future parenting coordination session(s);
- (g) Whether any decisions were written, and if so, the date(s).

#### 1.08 Parenting Coordination Procedures

##### (A) Screening for and Disclosure of Domestic Abuse and Domestic Violence

- (1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
- (2) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
- (3) When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:
  - (a) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
  - (b) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
  - (c) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

##### (B) Disclosure of Abuse, Neglect, and Harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

(C) Attendance and Participation

(1) The parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order. Parties shall attend parenting coordination sessions as requested by the parenting coordinator. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.

(2) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties.

(D) Referrals to Support Services

A parenting coordinator shall provide information regarding referrals to other resources as appropriate.

(E) Parenting Coordinator Evaluations

(1) A parenting coordinator shall provide parties with the parenting coordinator evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment. The evaluation form shall be completed by the parties and submitted to the Director of the Parenting Coordination Program.

(2) The Director of the Parenting Coordination Program shall complete a review of the parenting coordinators on the Court's roster in January of each year.

(F) Complaint of Parenting Coordinator Misconduct

(1) A party to a case in which a parenting coordinator has been appointed may file a complaint regarding misconduct of the parenting coordinator within one year from the termination of the appointment. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.

(2) The complaint shall be submitted to the Director of the Parenting Coordination Program, and include all of the following:

(a) The case caption and case number;

(b) The name of the parenting coordinator;

(c) The name and contact information for the person making the complaint;

(d) The nature of any alleged misconduct or violation;

(e) The date the alleged misconduct or violation occurred.

(3) The Director of the Parenting Coordination Program shall provide a copy of the complaint to the parenting coordinator;

(4) The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the Director of the Parenting Coordination Program.

(5) The Court designee shall conduct an investigation into the allegations and shall issue a response.

#### (G) Fees

A parenting coordinator shall be paid \$250.00 per hour, unless otherwise ordered by the Court or agreed to by the parties and the parenting coordinator. If the Court determines that the parties are indigent, some of the fees associated with the parenting coordinator may be waived. The parenting coordinator has the right to suspend all services until payment of any unpaid balances.

#### 1.09 Confidentiality and Privilege

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

#### 1.10 Public Access

The files maintained by a Parenting Coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

#### 1.11 Model Standards

The Court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the “Guidelines for

Parenting Coordination” and this rule, this rule shall control.

#### 1.12 Court Reporting Requirements

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all of the following:

- (A) A copy of this rule;
- (B) A copy of the Court’s current roster of parenting coordinators;
- (C) A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;
- (D) A copy of each list of continuing education training received by the Court from each parenting coordinator.

#### 1.13 Sanctions

The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney’s fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.











## Appendix 8. Parenting Coordination Survey of Parents

<b>Parent Survey</b>	
<b>Part I: Demographics and Usage</b>	
1.	What is your gender? <input type="radio"/> Male <input type="radio"/> Female
2.	What is your age? <input type="radio"/> 29 or under <input type="radio"/> 30 to 39 <input type="radio"/> 40 to 49 <input type="radio"/> 50 or over
3.	What is your race or ethnicity? <input type="radio"/> White/Caucasian <input type="radio"/> Hispanic/Latino <input type="radio"/> African American/Black <input type="radio"/> Native American/Alaskan Native <input type="radio"/> Other (please specify) <div style="border: 1px solid black; height: 15px; width: 150px; margin-top: 5px;"></div>
4.	How well were you informed about the role of a parenting coordinator and the parenting coordination process before your first contact with the parenting coordinator? <input type="radio"/> Not at all <input type="radio"/> Somewhat informed <input type="radio"/> Well informed
5.	How often has the parenting coordinator been contacted for help? <input type="radio"/> Every day <input type="radio"/> Once or twice a week <input type="radio"/> Once or twice a month <input type="radio"/> Once or twice every six months <input type="radio"/> Once or twice a year <input type="radio"/> Never
6.	What kinds of disputes has the parenting coordinator been asked to help with? (Check all that apply) <input type="checkbox"/> Time sharing schedules during school year <input type="checkbox"/> Vacations, holidays, days of special meaning arrangements <input type="checkbox"/> Medical, dental and vision care <input type="checkbox"/> Child-rearing issues <input type="checkbox"/> Daily routine <input type="checkbox"/> Discipline <input type="checkbox"/> Substance abuse assessment or testing for either or both parents or a child <input type="checkbox"/> Education (school choice, tutoring, summer school, participation in special education testing and programs, etc.) <input type="checkbox"/> Enrichment/extracurricular activities/camp/jobs <input type="checkbox"/> Religious education and observances

- Children's travel and passport arrangements
- Clothing, equipment, and personal possessions of the children
- Communication between the parents
- Parent's communication with the children
- Alteration of children's appearance (haircuts, tattoos, ear and body piercing, etc.)
- Role of/contact with significant others and extended families
- Daycare/babysitting
- Psychotherapy, counseling, psychological testing of the parents
- Psychotherapy, counseling, psychological testing of the children
- Payment issues (for children's extracurricular activities, daycare service, transportation between households, medical bills, etc.)
- Other (please specify)

7. If the parenting coordination process has ended, what were the reasons?

- Term of appointment over
- Children reached age of majority
- Lack of reasonable progress
- Parenting coordinator no longer able to work with parents in an unbiased manner
- No longer need assistance of a parenting coordinator
- Parenting coordinator services too costly
- Parenting coordinator discontinued services for personal reasons unrelated to parenting coordination
- Parenting coordinator unable or unwilling to continue to serve
- One or both parents are non-compliant
- One or both parents refused to pay for services
- Other (please specify)

8. If the parenting coordination process has ended, how long did your relationship with your parenting coordinator last?

- 0 to 6 months
- 6 to 12 months
- 13 to 18 months
- 19 to 24 months
- 2+ years
- Has not ended

## Part II: Parenting Coordination Effectiveness

9. The parenting coordination process helped me and the other parent resolve problems.

Strongly agree      Somewhat agree      Neutral/No comment      Somewhat disagree      Strongly disagree

10. The parenting coordinator helped me and the other parent improve our communication.

Strongly agree      Somewhat agree      Neutral/No comment      Somewhat disagree      Strongly disagree

11.	The parenting coordination process helped reduce conflict between me and the other parent.	Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12.	The parenting coordination process helped me develop skills on how to avoid conflict and future disputes.	Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13.	Did the parenting coordination process change your ability to work with the other parent?	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14.	The parenting coordination process was fair.	Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15.	Were you satisfied with the parenting coordination process?					
		<input type="radio"/> Yes				
		<input type="radio"/> NO				
16.	What were your initial feelings about the parenting coordination process?	Very positive	Somewhat positive	Neutral	Somewhat negative	Very negative
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
17.	What are your current feelings about the parenting coordination process?	Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
18.	What did you like about the parenting coordination process?					
		<input type="checkbox"/> Saved money compared to cost of litigation				
		<input type="checkbox"/> Resolved dispute quickly				
		<input type="checkbox"/> Less adversarial than court process				
		<input type="checkbox"/> Less formal than court process				
		<input type="checkbox"/> Parent coordinator listened to my concerns				
		<input type="checkbox"/> More efficient than court process				
		<input type="checkbox"/> More personal than court process				
		<input type="checkbox"/> More private than court process				
		<input type="checkbox"/> Other (please specify)				
		<input type="text"/>				

19. What did you dislike about the parenting coordination process?

- Parenting coordinator did not listen to me
- Parenting coordinator had too much authority
- Parenting coordinator did not have enough authority
- Parenting coordinator would not make a decision
- Parenting coordinator not available when needed
- Too costly
- Other (Please specify)

20. What would have made the process more valuable or effective?

21. Did you like the parenting coordination concept, even if you did not like the parenting coordinator appointed in your case?

- Yes
- No

### Part III: Cost of Parenting Coordination

22. What hourly rate did the parenting coordinator charge?

- Under \$100
- \$100 to \$149
- \$150 to \$199
- \$200 to \$249
- \$250 to \$299
- \$300 or more

23. How much of a retainer, if any, did the parenting coordinator require?

- \$0
- Under \$500
- \$500 to \$999
- \$1,000 to 1,499
- \$1,500 to \$2,499
- \$2,500 or more

24. Was the cost of parenting coordination affordable?

- Yes
- No

25. Was parenting coordination a good value for what you were charged?

- Yes
- No

Why?

26. Were there any disputes over fees for providing parenting coordination services?

Yes

No

If yes, explain the nature of the disputes.

#### Feedback

27. You are at the end of the survey. Thank you for your participation. If you have suggestions or comments about the survey, please add them here.

## Appendix 9. Parenting Coordinator Survey of Attorneys

### Attorney Survey

#### Part I: Parenting Coordination Practices and usage

1. How many cases have you been involved in where a parenting coordinator has been appointed?
  - 0 to 2
  - 3 to 5
  - 6 to 10
  - 11 to 15
  - 16+
  
2. What information do you give your clients about the parenting coordination process in cases where a parenting coordinator has been appointed?
  
3. How often have you attended and participated in the parenting coordination process?
  - Never
  - Rarely
  - Sometimes
  - Routinely

#### Part II: Parenting Coordination Effectiveness

4. Have your clients contacted you on parenting matters since a parenting coordinator was appointed?
  - No
  - Yes

If "yes," state reasons
  
5. Did the parenting coordination process help reduce the conflict between the parents?
 

Strongly agree	Somewhat agree	Neutral/No comment	Somewhat disagree	Strongly disagree
<input type="radio"/>				
  
6. Did the parenting coordination process help your clients learn how to avoid conflict and future disputes?
  - No
  - Yes
  - Don't know
  
7. Are your clients satisfied with the parenting coordination process?
  - Very satisfied
  - Somewhat satisfied
  - Not satisfied
  - Don't know

Explain:

8. Do you think that your clients were more satisfied with the parenting coordination process as compared to the court process?

- Yes  
 No  
 Don't know

Explain:

9. Did the appointment of a parenting coordinator result in a reduction in litigation?

Greatly reduced    Somewhat reduced    No change    Somewhat increased    Greatly increased    Don't know

Explain:

10. Do you believe parenting coordination can be beneficial if it is ordered over the objection of one or both parents?

- Yes  
 No

Explain:

11. What are indicators that suggest a family will benefit from the parenting coordination process?

- Parents respect authority  
 Parents invested in process working  
 Parents tired of court process  
 Parents genuinely desire to reduce conflict  
 Parents concerned about the cost of litigation  
 Disputes parents have are not appropriate for court to decide  
 Other (please specify)

12. What are indicators that suggest a family will not benefit from the parenting coordination process?

- Substance abuse  
 Domestic violence  
 One or both parents not invested in process  
 Personality disorder of a parent  
 Other (please specify)

13. Which of the following are important to the success of parenting coordination?

- Immediate initial meeting with the parenting coordinator upon appointment and before issues arise  
 Good match between parents and parenting coordinator  
 Each parent be required to pay a portion of the cost  
 Decisions be made promptly if negotiated resolution not possible  
 Parenting coordinator knowledgeable about domestic relations law  
 Parenting coordinator able to interpret legal documents  
 Other (please specify)

14. What aspects of the parenting coordination process do you find valuable?

15. What aspects of the parenting coordination process do you dislike?

16. Would you recommend appointing a parenting coordinator in future cases?

Yes

No

Explain:

#### Feedback

17. You are at the end of the survey. Thank you for your participation. If you have suggestions or comments about the survey, please add them here.

**Appendix 10. Parenting Coordinator Survey of Parenting Coordinators****Parenting Coordinator Survey****Part I: Demographics and Usage**

1. What is your primary discipline/area of professional practice? (If more than one discipline/area applies, select the practice in which you spend the greatest amount of time.)
  - Attorney
  - Mediator
  - Psychologist
  - Social Worker/Clinical Social Worker
  - Marriage and Family Therapist
  - Licensed Professional Counselor/Clinical Counselor
  
2. Where is your practice located?
  - Eastside
  - Westside
  - Downtown
  - Multiple locations
  
3. What is your gender?
  - Male
  - Female
  
4. What is your age?
  - 29 or under
  - 30 to 39
  - 40 to 49
  - 50 to 59
  - 60+
  
5. What is your race or ethnicity?
  - White/Caucasian
  - Hispanic/Latino
  - African American/Black
  - Asian/Pacific Islander
  - Native American/Alaskan Native
  - Other (specify)
  
6. What are your total years of professional experience with situations involving children?
  - 0 to 5 years
  - 6 to 10 years
  - 11 to 20 years
  - 21+ years

7. What are your total years of experience providing parenting coordination services?
- 0 to 2 years  
 3 to 5 years  
 6 to 10 years  
 11 to 15 years  
 16+ years
8. On how many cases have you provided parenting coordination services?
- 0 to 2  
 3 to 5  
 6 to 10  
 11 to 15  
 16+
9. What percentage of your professional practice is devoted to providing parenting coordination services?
- 0 to 19%  
 20 to 39%  
 40 to 59%  
 60 to 79%  
 80 to 100%
10. What is the maximum number of cases you can handle at one time?
- 1 to 5  
 6 to 10  
 11+
11. If you have not formally applied to be placed on the court's list of approved parenting coordinators, what are the reasons?
- 

#### Part II: Parenting Coordination Practice

12. What documents do you need to begin the parenting coordination process? (Check all that apply)
- Order of appointment  
 Most recent custody/parenting orders  
 All court orders in the case  
 Previous custody/parenting evaluations and reports  
 Previous guardian ad litem reports  
 Other (please specify)
- 
13. Typically, how much time do you spend preparing and reviewing documents before meeting with the parents for the first time after you are appointed?
- 1 hour or less  
 Between 1 and 2 hours  
 Between 2 and 3 hours  
 More than 3 hours

14. How well are the parents informed as to the role of a parenting coordinator and the parenting coordination process before their first contact with you?
- Not at all  
 Somewhat informed  
 Well informed
15. What, if anything, should the court do to inform and prepare parents and attorneys about the parenting coordination process? (Check all that apply)
- Explain the process to parents and attorneys in court  
 Provide written materials to parents explaining the parenting coordination process  
 Obtain completed background/intake forms from the parents and provide them to the parenting coordinator  
 Other (please specify)
16. What methods of communication do you use as a parenting coordinator? (Check all that apply)
- Face-to-face meetings with both parents present  
 Face-to-face meeting with one parent present  
 Meetings via telephone conferencing  
 E-mail  
 Text messaging  
 US mail  
 "Our Family Wizard" or similar on-line communication sites  
 Social networking sites  
 Other (please specify)
17. Typically, how often do parents contact you for help with disputes?
- Every day  
 Once or twice a week  
 Once or twice a month  
 once or twice a year  
 Never  
 Other (specify)

18. What kinds of disputes have you had to address as a parenting coordinator? (Check all that apply)

- Time sharing schedules during school year
- Vacations, holidays, days of special meaning arrangements
- Transportation and exchanges (drop-off, pick-up)
- Medical, dental, and vision care
- Child-rearing issues
- Daily routine
- Discipline
- Substance abuse assessment or testing for either or both parents or a child
- Education (school choice, tutoring, summer school, participation in special education testing and programs, etc.)
- Enrichment/extracurricular activities/camp/jobs
- Religious education and observances
- Children's travel and passport arrangements
- Clothing, equipment, and personal possessions of the children
- Communication between the parents
- Parent's communication with the children
- Alteration of children's appearance (haircuts, tattoos, ear and body piercing, etc.)
- Role of/contact with significant others and expended families
- Daycare/babysitting
- Psychotherapy, counseling, psychological testing of parents
- Psychotherapy, counseling, psychological testing of the children
- Payment issues (for children's extracurricular activities, daycare service, transportation between households, medical bills, etc.)
- Other (please specify)

19. How often have the children attended and participated in the parenting coordination process?

- Never
- Rarely
- Sometimes
- Routinely

Explain reasons for participation

20. How often have the parent's attorneys attended and participated in the parenting coordination process?

- Never
- Rarely
- Sometimes
- Routinely

Explain reasons for participation

21. How often have other people attended and participated in the parenting coordination process? (For example, extended family or friends, etc.)

- Never
- Rarely
- Sometimes
- Routinely

Explain reasons for participation

22. How often do you seek collateral information from a guardian ad litem or custody/parenting evaluator?

- Never
- Rarely
- Sometimes
- Routinely

23. How often do you seek collateral information from mental health providers of parents or children?

- Never
- Rarely
- Sometimes
- Routinely

24. How often do you seek information from other collateral sources? (For example, health care providers, education or day care provider, etc.)

- Never
- Rarely
- Sometimes
- Routinely

25. Can a parenting coordinator effectively provide services if he or she is not close geographically to the parents?

- Yes
- No

Explain:

26. How often have you had to make a parenting coordination decision?

- 0 to 10% of the disputes
- 11 to 20% of the disputes
- 21 to 30% of the disputes
- 31 to 40% of the disputes
- 41 to 50% of the disputes
- More than 50% of the disputes

27. How often has a parent formally appealed to the court a parenting coordination decision you made?
- Never
  - 1 to 3 times
  - 4 to 6 times
  - More than 6 times
28. On average, how long has your parenting coordination relationship with a family lasted?
- 0 to 6 months
  - 6 to 12 months
  - 13 to 18 months
  - 19 to 24 months
  - 2+ years
29. For what reasons have your parenting coordination relationships with families ended?  
(Check all that apply)
- Term of appointment over
  - Children reached age of majority
  - Lack of reasonable progress
  - Parenting coordinator no longer able to work with parents in an unbiased manner
  - Parents/family no longer needed assistance of a parenting coordinator
  - Parenting coordination services too costly for parents
  - Parenting coordinator discontinued services for reasons unrelated to parenting coordination
  - Parenting coordinator unable or unwilling to continue to serve
  - One or both parents are not-compliant
  - One or both parents refused to pay for services
  - Other (please specify)
- 
30. What is the optimal duration for a parenting coordinator appointment?
- 1 year
  - 2 years
  - 3 years
  - 4 years
  - 5 years
  - Other (specify)
- 
31. What do you consider to be best practices in providing parenting coordination services?
-

## Part III: Parenting Coordination Effectiveness

32. How often have cases returned to court after you were appointed as a parenting coordinator?

- Never  
 Rarely  
 Occasionally  
 Frequently  
 Don't know

33. Generally, the level of conflict between parents after the appointment of a parenting coordinator:

Greatly increased      Increased      Stayed the same      Decreased      Greatly decreased

34. How did the parenting coordination process affect the parents' ability to work with each other?

Significantly improved      Somewhat improved      No change      Somewhat worsened      Significantly worsened

35. How did the parenting coordination process affect the parents' ability to solve problems?

Significantly improved      Somewhat improved      No change      Somewhat worsened      Significantly worsened

36. How did the parenting coordination process affect the parents' communication with each other?

Significantly improved      Somewhat improved      No change      Somewhat worsened      Significantly worsened

37. The parenting coordination process helped the parents understand the effects of their behaviors on their children.

Strongly agree      Somewhat agree      Neutral/No opinion      Somewhat disagree      Strongly disagree

38. Do you believe parenting coordination can be beneficial if it is ordered over the objection of one or both parents?

- Yes  
 No

Explain:

39. Which of the following is an indicator that a family is likely to benefit from the parenting coordination process? (Check all that apply)

- Parents respect authority
- Parents invested in process working
- Parents tired of court process
- Parents genuinely desire to reduce conflict
- Parents concerned about the cost of litigation
- Other (please specify)

40. Which of the following is an indicator that a family is not likely to benefit from the parenting coordination process? (Check all that apply)

- Substance abuse
- Domestic violence
- One or both parents not invested in process
- Personality disorder of a parent
- Other (please specify)

41. Which of the following are important to the success of parenting coordination? (Check all that apply)

- Immediate initial meeting with the parenting coordinator upon appointment and before issues arise
- Good match between parents and parenting coordinator
- Each parent be required to pay a portion of the cost
- Decisions be made promptly if negotiated resolution not possible
- Parenting coordinator knowledgeable about domestic relations law
- Parenting coordinator able to interpret legal documents
- Other (please specify)

42. What services/training/resources could the court offer that would assist you in providing parenting coordination services? (Check all that apply)

- Monthly parenting coordinator meetings
- Continuing education courses related to children
- Parenting coordination skills training
- Other (please specify)

43. How can the court's parenting coordination program be improved?

**Part IV: Cost of Parenting Coordination**

44. What hourly rates have you charged as a parenting coordinator?
- Under \$100
  - \$100 to \$149
  - \$150 to \$199
  - \$200 to \$249
  - \$250 to \$299
  - \$300 or more
45. How much of a retainer, if any, do you require?
- \$0
  - Under \$500
  - \$500 to \$999
  - \$1,000 to 1,499
  - \$1,500 to \$2,499
  - \$2,500 or more
46. On average, how many hours do you bill per month per family?
- 0 to 1 hour
  - 2 to 4 hours
  - 5 to 7 hours
  - 8 to 10 hours
  - More than 10 hours
47. How do you allocate the cost of parenting coordination between parents?
- 
48. If the cost is allocated unequally between parents, what would influence your decision to do so?
- 
49. Have you had disputes over fees billed for providing parenting coordination services?
- Yes
  - No
- If yes, what was the nature of the dispute?
- 
50. What practices could the court adopt to enhance timely payment of parenting coordination fees? (Check all that apply)
- Require the parents to post a cash bond with the court to secure payment for future services
  - Oversee collection of parenting coordination fees
  - Other (please specify)
-

## Part V: Liability/Complaints/Claims

51. Does your professional insurance coverage cover parenting coordination services?

Yes

No

If yes, what was the nature of the dispute?

52. Have you had a claim, law suit complaint, disciplinary complaint, grievance, or insurance claim made against you that was related to providing parenting coordination services?

Yes

No

53. If "Yes," what was the nature of the claim, law suit, complaint, disciplinary complaint, grievance, or insurance claim made against you, and how was it resolved?

54. How concerned are you about receiving a claim, law suit, complaint, disciplinary complaint, grievance, or insurance claim related to providing parenting coordination services?

Very concerned

Somewhat concerned

Little concern

No concern





55. In what way can the court support parenting coordinators in avoiding a claim, law suit, complaint, disciplinary complaint, grievance, or insurance claim related to providing parenting coordination services?

## Feedback

56. You are at the end of the survey. Thank you for your participation. If you have suggestions or comments about the survey, please add them here:

## Appendix 11. Survey Letter to Parents



CUYAHOGA COUNTY COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS

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September 23, 2015

Dear Parent:

The Cuyahoga County Domestic Relations Court is conducting a research study to determine whether parenting coordination is effective in reducing court litigation and parental conflict.

We request your participation in a survey examining the experiences of parents who are receiving parenting coordination services, attorneys, and parenting coordinators. Please help us by sharing your views and experience with the parenting coordination process.

Your responses will help the Court assess and evaluate the effectiveness of parenting coordination.

This survey was developed in connection with a fellowship certification program through the Institute for Court Management of the National Center for State Courts.

**What we are asking of you:**

Please complete an online survey by following the link below. The survey will take approximately 15 minutes of your time to complete. There are no wrong answers.

All answers are confidential and anonymous.

**How to access the survey:**

To access the survey please click on the following link: <https://www.surveymonkey.com/r/XFS92PC>.

If you have any concerns or questions, please contact Christina Brown at [cbrown2@cuyahogacounty.us](mailto:cbrown2@cuyahogacounty.us).

Thank you in advance for your help.

The Cuyahoga County Domestic Relations Court

## Appendix 12. Survey Letter to Attorneys



CUYAHOGA COUNTY COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS

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September 23, 2015

Dear Attorney:

The Cuyahoga County Domestic Relations Court is conducting a research study to determine whether parenting coordination is effective in reducing court litigation and parental conflict.

We request your participation in a survey examining the experiences of parents, attorneys, and parenting coordinators. You are receiving this survey because you are an attorney whose client has received parenting coordination services. Please help us by sharing your views and experience with parenting coordination.

Your responses will help the Court assess and evaluate the effectiveness of parenting coordination, and better understand the process and practice of parenting coordination.

This survey was developed in connection with a fellowship certification program through the Institute for Court Management of the National Center for State Courts.

**What we are asking of you:**

Please complete an online survey by following the link below. The survey will take approximately 10 minutes of your time to complete. There are no wrong answers.

All answers are confidential and anonymous.

**How to access the survey:**

To access the survey please click on the following link: <https://www.surveymonkey.com/r/MLGTYG6>.

If you have any concerns or questions, please contact Christina Brown at [cbrown2@cuyahogacounty.us](mailto:cbrown2@cuyahogacounty.us).

Thank you in advance for your help.

The Cuyahoga County Domestic Relations Court

## Appendix 13. Survey Letter to Parenting Coordinators



### CUYAHOGA COUNTY COURT OF COMMON PLEAS DIVISION OF DOMESTIC RELATIONS

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September 23, 2015

Dear Parenting Coordinator:

The Cuyahoga County Domestic Relations Court is conducting a research study to determine whether parenting coordination is effective in reducing court litigation and parental conflict.

We request your participation in a survey examining the experiences of parents, attorneys, and parenting coordinators. Please help us by sharing your views and experience with parenting coordination.

Your responses will help the Court assess and evaluate the effectiveness of parenting coordination, and better understand the process and practice of parenting coordination.

This survey was developed in connection with a fellowship certification program through the Institute for Court Management of the National Center for State Courts.

**What we are asking of you:**

Please complete an online survey by following the link below. The survey will take approximately 15 minutes of your time to complete. There are no wrong answers.

All answers are confidential and anonymous.

**How to access the survey:**

To access the survey please click on the following link: <https://www.surveymonkey.com/r/X58XNRG>.

If you have any concerns or questions, please contact Christina Brown at [cbrown2@cuyahogacounty.us](mailto:cbrown2@cuyahogacounty.us).

Thank you in advance for your help.

The Cuyahoga County Domestic Relations Court

#### **Appendix 14. Parents Opinion Survey on Parenting Coordination – Comments**

**Question 6: What kinds of disputes has the parenting coordinator been asked to help with?**

- I have never been contacted by a Parenting Coordinator but would definitely appreciate the connection. The only assistance we had was too expensive and became biased anyway.
- She basically sat there and just had us argue over all kinds of topics instead of what we were there for. She was no help at all and told me that there was nothing she could do for me legally anyways. It was truly a waste of time and money that I had to spend.
- purchase of and or possession of weapons/illegal material by former spouse and significant other
- na
- offensive comments

**Question 7: If the parenting coordination process has ended, what were the reasons?**

- still involved
- Parent coordinator over charging and padding the bill.
- I ended services because things just getting prolonged and nothing was getting accomplished and the parent coordinator couldn't legally help us resolve any of the issues that were brought up. I spent many days and hours copying papers and documents for the parent coordinator to look at and while talking with her it was obvious she failed to ever look at any of it. Parent coordinating is a total waste of time and money. All it does is prolong the court process from being resolved.
- The child with the most problems with her Dad was taken away from her biological Father finally!
- Ex Wife refused to cooperate/participate
- Getting divorced almost bankrupted me so I can not in any way afford the cost of a parenting coordinator.
- work in progress
- The Domestic Relations Court refused to make the Mother follow the order the Mother refused to follow

**Question 15: Were you satisfied with the parenting coordination process?**

- The coordinator helped me communicate with my X and that we can have fair schedule time for visitation.
- ex never paid the PC's fees and the PC refused to work on our case
- PC needs to have a better of a relationship with the families before making recommendations
- Parent coordinator never reviewed previous G.A.L.'s or court documents. Never interviewed us together. Went against the Shared Parenting Agreement & disallowed me to have visitation with one of my children without probable cause.
- The only assistance we had, beyond attorneys, we paid for and it became too expensive

- This is the wrong solution to a problem, I am being very flexible and workable, however my spouse is high conflict so basically I just have to give in to his bullying and actions that are not in the best interest of the kids or pay \$300/hr to get him to do what he is supposed to do and act in the kids best interest. The divorce was very costly so I have to pick and choose what I contact the PC about because going into debt is not in the best interest of my kids either, their father is not so mindful about expenses and will contact the PC about every little thing. And typically the PC's decision is some weird half way mediated solution that is still ridiculous and not in the best interest of the kids. I guess less costly than going to court but still not a resolution and as a result my kids remain in a high-conflict situation which is damaging to them. Their father will never see or admit to this being damaging to them, he is a self-centered person and it is all about him and his time, not truly about the kids. So you are expecting an expensive third party to solve this when he will never change, I have come to accept this yet the courts don't and didn't take a good look at things during the divorce proceedings and still are committing willful blindness in my case and do not see or care to acknowledge his poor damaging behavior.
- Absolutely not satisfied. It was just someone who sat there and made us fight about everything. It made trying to agree on things and get along much worse than it already was.
- The singular time the process was utilized within the past 3 1/2 years was satisfying.
- My ex spouse frequently liked to file in the court in order to control me through fear/threats and financial control (he makes about 4X's my income). I agreed to move towards joint custody with a parenting coordinator that he paid the bill solely for. This plan his increased responsibility over the impact of his complaints and a decreased ability to threaten me or negatively affect our child, our situation has improved significantly.
- Yes it took 3 years of court and 2 more years of the parent coordinator to get my daughter away - but it did happen. Paying her was not fair- my ex caused the problems so he should of had to pay for the coordinator most of the time.
- Too expensive. Maybe rich people can afford something like this but not normal people.
- [Name omitted] is very fair, reasonable, and diligent.
- The Domestic Relations court mandated by court order that we were to use the parenting coordinator. However, when the mother refused the Court also refused to enforce the very court order it set. The Domestic Relations Court refused to act to help Dads and continually allows Mothers to violate court order with no consequence. Until the Court enforces its own court orders on Mothers as well as Men this process will be useless and a waste of taxpayer money. Mothers should have to follow court orders. It is in the best interests of children (if this is truly the intention of the court) to have two loving parents involved in their lives. It is unfair and unconscionable that courts constantly refuse to make Mothers act in the best interests of children.

**Question 18: What did you like about the parenting coordination process?**

- The initial hope it may give Fathers equal rights.

- I would like to set up a parenting coordination
- She is very nice and seem very caring; however feel that her hands are tied and she can only be so effective since my ex-husband is so difficult.
- There is nothing I like about the process. It is a total waste of time.
- Removed the ability to control through fear and intimidation
- I wish the courts would have stepped up to the plate and made the decision to take my daughter away. But they would not do it so it cost me thousands more to have a coordinator for 2 more years

**Question 19: What did you dislike about the parenting coordination process?**

- Responses are reactive to isolated conflicts
- Parent coordinator pre-judged me & I had to always be on the defense for being a father & not a friend.
- Again not solving the problem, just providing another ongoing expense and audience for my ex-spouse to complain to.
- The parent coordinator has no legal authority so therefore can't get anything accomplished. It is just an extra expense to pay on top of all the lawyer fees and court cost. Not including all the time missed at work.
- The details as to how the parent coordinator would be paid were either conflicting or not addressed in the divorce decree which created an awkward position for the assigned coordinator who hesitates to be involved due to this matter.
- The courts should have taken my daughter away from my ex
- Our Guardian at Litem [name omitted] completely rendered the process ineffective due to his continued butting in the process and rendering opinions or observations AFTER and During rulings by the Parenting Coordinator when my ex wife would contact him when she disagreed with the PC rulings. [Name omitted] single handly made this process ineffective and Cleary Over Rode The written powers of the PC agreement.
- Court would not enforce the order for a coordinator

**Question 20: What would have made the process more valuable or effective?**

- Courts need to ensure retainer is paid before final decree and address issue of how to ensure both parents will continue to pay PC's fees
- Need more of a relationship with the coordinator. She made decisions about kids and never met them.
- If they would actually listened & not make it a platform of negativity complaints from my ex-wife. I was told I had to be the "Fun DAD", take my kids out for dinner & do activities during my time. I was berated for being a Father, and my authority was taken away.
- The courts need to look at the evidence and truly act in the best interest of the children. Even had a GAL involved and it was more about the rights of the parents than the well-being of the children. The courts refused to look at factual information or talk to the people that knew the kids they just went by whatever claims my ex-spouse made and

show that he put on for the courts, if they would have looked one layer deeper they would have seen that there was nothing behind the curtain but couldn't be bothered to take a look or even review real evidence. So the PC process is just that another long drawn out court process that leaves kids in high conflict while the court just sits back and waits and hope things will just work things out on their own. If that were the case the divorce would have been settled with mediation or mostly out of the court process. Courts have unrealistic expectations and take way to long to address issues that are hurting the kids. Major reform of the court process is needed, implementing the PC process is a small band aid on the problem and does not do enough to truly help and protect the kids.

- If the parent coordinator could actually discuss the real issues at hand, and had the legal authority to make an official document and have both parties sign and have it submitted to the court as an official document to be held accountable for.
- Having another attorney involved after years of legal fees is not an embraceable or even viable idea.
- I would have preferred that this have been an option available to us at the time of divorce. We had a highly contentious divorce. I was awarded full custody and no parenting plan offered until a treatment program was started (at the recommendation of custody evaluators) and a step up plan upon recovery. He did not maintain sobriety once the court steps were taken and frequently violated our court orders. This left me to co-parent with someone who is often making decisions under the influence of substances which is very difficult to do. Every court person I spoke with said continued litigation would be my life so I think it would have been beneficial for the service to be in place from the beginning. I wanted to work together, but it was often very difficult to work together because he would use threatening tactics to get what he wanted. Anything me or my attorney tried to do to lessen the opportunity to do this, he would object to. Because our parenting coordinator deals with him directly on decisions, I no longer have to worry about what he will do if I do not give into his demands and he is required to pay for each issue he has, so I am finally after 6 years no longer living under a huge financial debt from court costs.
- If the courts would have done their job - instead of making people broke financially. We had so much proof that he was a terrible Father.
- Our Guardian at Litem [name omitted] needs to stay out of the process, especially after the court proceeding were over and the PC agreement was written and agreed upon by the court. [Name omitted] behavior was unprofessional to the point of rendering some of the most important discussions being unable to be solved. This has been [name omitted] protocol again and again of stepping in to defend my ex wife when she writes him and he intervenes. It should have been the PC whom, after hearing both parties issue's, renders a ruling on his own as per the court order. It's sad that this process was not conducted as intended due to [name omitted]s unprofessional behavior.
- Actually being able to afford to see her.
- Judges that enforced court orders when Mothers violate

**Question 25: Was parenting coordination a good value for what you were charged?**

- Too costly
- Cost of the PC should be attributed to the parent that causes the issues. Both should not be responsible.
- \$150 per hour, & I only made \$20,000/yr
- it would have cost more to deal with attorneys and or court
- He became biased and did not work at reuniting the children with both parents.
- I have a high conflict spouse that is also not mindful of expenses, so will go to the PC with everything and anything. His constant interaction with her (tells her good things he is supposedly doing but she doesn't have time to look at the facts either) has skewed her perceptions of what is going on and see things as going much better than they are.
- Nothing could legally be accomplished and it was nothing but an added expense to me.
- Yes. Contact with her was far less than any other court option would have been. She was fair and efficient.
- I did not cause any problems. He should have had to pay but then I was punished more by having big bills from him and his hassle
- We never paid the deposit for a parenting coordinator so it never happened but it is a good idea if both parties would agree
- The Coordinator was good, the price was fair, Domestic relations judges fail to enforce the order for a coordinator. I am disappointed in judges that act in the interest of women rather than children

**Question: 26: Were there any disputes over fees for providing parenting coordination services?**

- Ex never paid retainer and PC refused to work on our case
- billing for services I never inquired about. Over billing, padding the bill.
- I was unable to pay and he put a lien on my house. I eventually paid him but had to see my house to do so.
- When services were ended I was informed by the parenting coordinator that I would get a refund for all of the remainder of my balance I had with them by the end of the week. Every time I called or came to the office I kept getting excuses and runarounds about my refund. It took over 3 months before I received the remainder of my balance back when I was originally told it would be ready by the end of the week. That is poor business because they would not even see me for one visit without paying \$1,500 up front.
- The details pertaining to payment were not arranged in the divorce decree which has created reticence for the coordinator to become involved.
- My ex husband (who was the only one to ever file in court) is responsible for all the charges incurred. I only contacted the parenting coordinator on one occasion when my ex threatened to contact another country's offices to tell them I was taking our child there illegally (although he had already given consent, a signed affidavit, and our order states she is allowed to travel).

- I didn't complain because I needed help and she was court appointed and he kept causing problems.
- I don't understand the question.

**Question 27: If you have suggestions or comments about the survey, please add them here.**

- I believe that the parenting coordinator is a great idea, much cheaper than courts and lawyers and much more effective especially when divorced parents use the children as a retaliation tool against the other parent.
- PC idea is good however more work needs to be made at establishing a relationship with the families. Their needs to be consistency so they get a full grasp of family dynamics.
- Coordinators need to be more open minded & not give the impression of being biased. I was pre-judged & not given the benefit of the doubt. I was told I wasn't allowed to see one my children based on a lie & wasn't given a chance to dispute.
- I would like to be connected with a parent coordinator who would be interested in assisting with rebuilding the connection with my children and myself. [Telephone number and name omitted]
- Major court reform is needed. Everything I have read about the courts and high-conflict personalities as well as what I have experienced have shown that they create havoc to the whole process and the courts are too influenced based upon perceptions and ignoring facts. Courts need to be a place where honest people can come and be honest and the courts can help them resolve issues. In my case the court process has put my kids in direct line of their father and subjecting them to emotional and verbal abuse, young kids don't even know what this is or that it is a problem. I am still subjected to it as well as I try and act in the kids best interest and stick up for them. So the court process has made the situation for my kids worse and we just started counseling to begin to address the damage that has occurred and hopefully have enough evidence to get my kids out of this bad situation. But the entire process is too slow to address this situation.
- I would strongly advise that parent coordinating be taken out of the court process. It is just a complete waste of time and it only makes conflict worse.
- This was a proverbial 11th hour addition to the divorce. At that point, one is beyond anxious to end relationships with attorneys and the invasive nature of someone else having authority over your children.
- Again, I think that had a parenting coordinator been established (with my ex husband responsible for the charges) from the beginning, we would have spent less time in the family court. I also think that it could have limited some of the collateral damage from the court costs (ie. less time enjoying the moment with our child because we had to spend the day sitting at court or with evaluators, limited the animosity from extended family members, allowing more financial resources to be spent on our child and nurturing her experiences in life, and overall being able to have a life that does not include daily fear). I don't think it would have worked alone if it had not been required for my ex to have to be financially responsible (spending my resources on court was his most common threat, behind taking our child away from me and destroying my business). I think it is a great

service but needs to be tailored to each family's situation as mine was tailored to have my ex financially responsible. I am very thankful to have found my parenting coordinator and for the improvement it has made in our quality of life.

- The Cuyahoga Courts are the worst. They should never let the process go on for 3 years and then give me a parent coordinator because they could not do their job for another 2 years.
- If Judges treated Moms and Dads fairly acting in the interests of children rather than in the interest of women and enforced court orders on Moms, this would be a great process. Until Domestic Relations Courts see Dads as parents this is a waste of taxpayer dollars.

**Appendix 15. Parents Opinion Survey on Parenting Coordination  
Additional Comments of Parents Attempting to Respond**

E-mail of Parent 1:

- I know my response is a bit delayed, but I received a letter in September asking me to fill out a survey about Parenting Coordination. I went to do so today, but the link said that the survey is closed.

I believe I have valuable information that needs to be shared about the PC process. I am currently just out of Court, again, and the PC process was an integral part of what my husband cited in his contempt motions. And now in his objections to the Magistrate himself, in effect, saying in his decision that the PC process was only detrimental and used as a "weapon."

I would like to be heard. The worst part of the process is that my children are suffering because of it. The Court always says it acts "in the best interest of the child." I beg to differ.

The PC process, I understand, has been amended since I was forced into the process with my abusive husband in 2012. It was a vehicle of further abuse. Furthermore, our parenting coordinator resigned only two months or so before her term was to expire. My attorney wrote the PC a letter, telling her that she was acting out of her scope of authority.

Please contact me and/or allow me to complete the survey. Those of us who have experienced this process need and deserve to be heard from.

Summary of Comments of Parent 1 as Reported by Research Assistant:

- Litigant stated PC program did not work at all. I asked why. She stated the process was unclear. More specifically, PC was unclear about her role and both parties/ counsel were unclear about PC's role as well.

PC was terrible because she never answered correspondence (through Family Wizard?) from litigant. Parties ended up back in court anyway and the PC has become an issue – there are objections filed as to what PC did.

“Made it worse – more harm than good”.

Summary of Comments of Parent 2 as Reported by Research Assistant:

- The litigant stated the PC program was agreed upon but finds it costly especially since he was the one paying for it. “It costs \$3000 just to get one question answered”. I asked if it worked for them, said yes but doesn't see the value in it. Thought it would be better if the PC charged rates similar to GAL or perhaps have a paralegal instead. Litigant felt time

was wasted because PC was spending time trying to see how case was progressing; PC was not constantly updated with case(?).

## Appendix 16. Attorneys Opinion Survey on Parenting Coordination – Comments

### Question 2: What information do you give your clients about the parenting coordination process in cases where a parenting coordinator has been appointed?

- depends on the order. It is a resolution mechanism that is costly but efficient and faster than the court.
- Advise of PC role and why it would be appropriate/beneficial in their case.
- They act as mediators. In the one case I had with [name omitted], she was a tie breaker on issues we assigned to her
- My understanding of the limits of the powers granted me; means to access me; efforts to resolve by conciliation that I will undertake.
- none
- Provide an AJE with all details of selection and process
- I explain the role and purpose of the parent coordinator.
- I provide the Local Rule and general guidelines about what a PC may/may not do and appropriate use of this service
- we discussed and put into the SPP the authority of the PC and the limitations on the PC's authority
- Generally, the order by which the Parenting Court, Nader is appointed is very specific and details out the responsibilities. I go over the order with my client
- I let the parenting coordinator explain after giving very basic information.
- The parenting coordinator's role will assist with decision making, in certain defined areas, where the parties cannot reach a resolution and the issue is time sensitive. Should you not agree with the PC's Decision, you will have option to pursue in court. However, the decision will stand pending further court order.
- I describe a PC as a "mediator on steroids" who is empowered by both parents and the court to make binding decisions on a certain class of issues (i.e. those which are problematic but tend to be small enough in isolation to not warrant individual court attention but problematic in the aggregate--or--those that require an immediate resolution because of the time-sensitive nature of the issue). I also tell them that the PC process generally tends to soften parental squabbling over picayune issues over the long term because they aren't allowed to fester.
- I advise of the purpose of parenting coordination and the expectation that his/her cooperation is essential. I also advise of the qualifications of the coordinator.
- I advise them that the parenting coordinator is a person hired to resolve day-to-day parenting disputes based upon the terms of the parenting plan
- Advise clients that the coordinator will help resolve issues, first by a mediation approach and then if necessary making binding decisions.

- I simply explain the process and request that they cooperate fully, and if they have any concerns, they should let me know.
- I tell them that it is a method of ADR which will presumably help them deal with any parenting issues that may arise without litigation.
- I explain the parenting coordination agreement in detail which usually covers the process and implementation.
- That the PC will be in position to handle large and small disputes that come up post decree in specific enumerated areas. That the PC will first try to help the parties reach a negotiated solution, and in rare cases, when necessary, make a decision for the parties in one of those areas. The parties are informed that the PC is not able to substantially alter the schedule, or the allocation of parental rights and responsibilities.
- The cases were with parenting coordinator agreed upon, rather than appointed. Provide client with copy of the rule, and PC agreement, as well as full explanation of the process and the limited decision-making authority given to the PC.
- VERBAL EXPLANATION
- It may be more cost effective to hire a coordinator rather than an advocate in order to get things done more quickly. I explained that the coordinator is unbiased and will resolve issues much faster and will be less expensive than attorneys. Time and money.
- I tell them the coordinator serves as a non-partisan facilitator/ decision maker (if appropriate) to assist in the conflicts as the children grow up post-divorce.
- Local rule, court order and any data or literature the PC offers.

**Question 7: Are your clients satisfied with the parenting coordination process?**

- people can abuse the system. Who pays in an issue and if you do not have means then the one w means drags you in and if you are not obligated to pay the one not paying drags you in all of the time.
- In the single case with the non-lawyer PC it was a disaster. In the other cases, it is very early in the process and so too soon to get a clear read.
- Perhaps they were not good candidates as both cases were high conflict
- Too early in process to answer the above 3 questions
- Too early to tell.
- most are satisfied; the more pathological parents are less satisfied (largely because I think they will be unsatisfied with almost everything and have ingrained unrealistic expectations)
- The quality of the coordinators is highly inconsistent and where he/she does not perform promptly or with sufficient competence the process is undermined.
- they haven't used the PC yet -- too soon to know
- No complaints so far.
- Either the PC has been unresponsive completely or not active enough to resolve the problem.
- High conflict cases are just that - some people just want to continue the battle in another forum.

- Find that it typically reduces and often eliminates the conflict over minor issues.
- Generally has lessened the tension along with the passage of time
- Faster turn around and the issues are directly answered....No back and forth
- PC offers swifter, lesser expensive resolution to conflict, so clients appreciate that, but conflict has not waned.

**Question 8: Do you think that your clients were more satisfied with the parenting coordination process as compared to the court process?**

- She doesn't always get her way
- There is a much more immediate and less expensive result.
- Too early to tell.
- they appreciate the speed of issues being addressed
- "Yes" for the most part, because it kept them out of court. Again however, delay and lack
- too soon to know
- It is only a different method - not necessarily better.
- Less expensive, less delay - - generally they love it.
- less expensive and faster
- Faster turn around time especially for visitation issues.
- PC offers swifter, lesser expensive resolution to conflict, so clients appreciate that.

**Question 9: Did the appointment of a parenting coordinator result in a reduction in litigation?**

- it was part of an overall resolution of the cases and so it was helpful to have it there.
- It settled the case after 4 days of trial
- Much too soon to tell
- I say this because in one case, it seemed to spurn litigation. In the other case it eliminated what I thought would've been a lot more litigation.
- for most parents; the pathological parents--not necessarily as much; more of a "speed bump" to either burning out the PC or creating spaces between litigation
- too soon to know
- It eliminates some of the more petty arguments.
- Issues resolved by PC's recommendation are not litigated.

**Question 10: Do you believe parenting coordination can be beneficial if it is ordered over the objection of one or both parents?**

- if it is binding
- Some cases require some post-litigation oversight to prevent them from blowing up and being even more contentious and relitigated, even if one party does not want the process.
- It will be difficult but it can at least allow some outlet for the cooperating parent's frustration and can also allow some minor change and improvement even without the participation of one parent.

- The issues that can be addressed with a PC can be addressed in real time and at a significantly reduced cost than litigation.
- Completely dependent upon quality, skills of PC
- I think it should be a consensual process otherwise it just appears to be a delegation of judicial authority.
- I believe the value in a PC is independent of parents' willingness (of course it increases the effectiveness when willingness exists, but I don't believe it is essential). I think the existing court/litigation framework is ill-suited to addressing the "death by a 1000 cuts" issues.
- ONLY, with the right PC. The court would have to be cognizant of the PCs on the list and have the ability select the most appropriate PC on a case by case basis.
- If the parenting coordinator is given the authority to make decisions that become effective immediately, subject to either party's right to object, but not stay the decision. I see the parenting coordinator's primary responsibility to make timely decisions, not to teach the parties how to parent or how to work together.
- Ultimately, the parents will learn that the PC will resolve disputes
- You need people who are at least willing to work with each other even if they're not really happy with the idea.
- If one person wants to continue the battle, the battle will continue.
- No harm in trying
- The back and forth and the unreasonable requests of the parents are addressed immediately. The parenting coordinator solves silly disputes rather than spending thousands of dollars for no reason.
- Having a coordinator is rare and useful primarily when the parents can't work together. The alternative is having frustrated parents or a great deal of post-decree litigation.
- Regardless of whether a parent wants the process, it still is effective if parent is made to understand they shall abide by recommendations of PC.

**Question 11: What are indicators that suggest a family will benefit from the parenting coordination process?**

- all have application in different matters. but is an added cost and that is forever going to be a problem on all levels.
- All of these are good indicators. However, it seems most cases will not have all of these factors and may have only one or two. Still OK for PC.
- Inability for the parties to communicate on even the most trivial issues.
- Obstinate parents will learn that court orders will actually be enforced
- Parents generally have high conflict and angry.
- Parents really don't want to hurt their children or use them as pawns in parental disputes.
- Some parents just want someone to listen to their version of events and their story of their woes. Parenting coordinator is cheaper than an attorney.

- I agree with all of these, the best reason is to avoid the hopeless feeling parents have when their questions aren't answered or when the decree is continuously violated or "misunderstood"

**Question 12: What are indicators that suggest a family will not benefit from the parenting coordination process?**

- I think that even when these factors exist, PC may be appropriate. Analyiss should occur on a case-by-case basis.
- One or other having history of subverting processes, e.g., GAL investigations.
- historic refusal of a parent to abide by court orders
- I don't tend to think that any of the foregoing are necessarily preclusive to a PC
- Bullying. PC will have to be able to handle situation to ensure equal time to both parties.
- As long as the coordinator has decision making responsibility and effectively exercises his/ her authority, there would be a benefit to parenting coordination whether either or both parents is dysfunctional.
- desire of one party to be as disruptive to the other as possible; desire of one or both to continue the fight
- History of issues and dificulty of resovling children issuses.
- Animosity of the parents....scorched earth theory. They want to make the other parent suffer.
- some parents could not care less about Court orders, showe causes, etc, They will ignore a coordinator as they do everything else.
- Parent unable to see value to other parent's role in life of child.

**Question 13: Which of the following are important to the success of parenting coordination?**

- all of these
- Becasue of my disatorus experience, I will never again have a PC who is not a DR lawyer.
- PC understanding the limits of his/her authority
- Communication and mediation skills of cooridnatoor.
- PC must be capable of taking control of high-conflict parents, compelling respect toward PC from parents.

**Question 14: What aspects of the parenting coordination process do you find valuable?**

- Takes the lessr everyday issues that are not ripe for court out of the system
- The mandated "mediation" like process that requires the parties to attend prior to going to court.
- Both the dispute resolution piece and the educating the parties to better resolve their own differences in the future.
- Conflict resolution.

- Cases for which a parenting coordinator should be appointed are also cases with issues that have no business in Domestic Relations Court. In my experience, most of them have a parent with mental health issues as well. So if nothing else, it is a way to unclog the court system a bit.
- Ability to resolve issues that are too costly to litigate but need resolution
- Resolution of defined, limited disputes over parenting terms, schedules, etc.
- avoidance of court proceedings
- the concept of having an alternative means than to litigate in court to resolve the dispute is always beneficial
- speed of issues being addressed and finality (albeit conditional) of decisions.
- Efficient and effective resolution of issues so that children are not harmed in the process (ie timeliness issues cause them to miss an opportunity)
- immediacy
- Getting the parties to work in the best interest of the children.
- The concept is amazing. In practice it has been my experience that it hasn't worked.
- Narrow down issues and resolve petty disputes.
- resolution of matters that do not fester, and which do not end up back in court.
- Speed
- Neutrality....Each party initially believes that the coordinator is neutral and they have to follow the decision. Tit for tat and the wasteful phone calls and contacts with attorneys. Once a case is finalized, the attorney does not want to be the go between for the parents. Very costly and non productive.
- It gives a safety valve to avoid post decree litigation and affords a third party voice to both sides.
- Cost- and time-effective dispute resolution.

**Question 15: What aspects of the parenting coordination process do you dislike?**

- cost and how that can allow a client to manipulate the process
- I have not had enough experience with the process to comment.
- When the role of the parenting coordinator is not clearly defined in the initial document. Then the process appears to be a free-for-all.
- Need to determine if parents are good candidates
- Not certain yet. Qualifications, practical PC skills always a concern.
- tendency of PC to go beyond the scope of the SPP and try to get a party to agree to what amounts to a modification -- without benefit of legal counsel
- I'm not fully confident regarding the skills of those for parenting coordinators. The requirements seem to be so onerous that other persons who should be parenting court matters won't even attempt to do that
- inconsistent (grossly) between PCs

- Omnipotent PCs. Need a PC who is well trained and it will help to have a mediator background to be able to not simply make a decision but be able to explain process so that parties do not feel a clear cut "winner" and "loser."
- variance between people in interpretation of the parenting plan
- see above.
- Allowing the bully parent a different forum to continue the bullying process. The parent with more time and money may prevail.
- the court does a poor job so far in setting up the process with the PC to succeed, but they are getting better.
- none
- The cost is very high when attorneys are the coordinators. It may be better to have trained individuals rather than charge for attorney fees.
- I worry that the parties might rely too much on the PC. If the need to come back to court for legit reasons, they should know to do so.
- I have had a single case go through 3 PCs before a "match" was found who made effective recommendations. This is not a dislike of the process, but a critical aspect to success is having very qualified PCs willing to take the role.

**Question 16: Would you recommend appointing a parenting coordinator in future cases?**

- Under strict, defined conditions where litigation avoidance may be realized.
- the court cannot address the simple day-to-day disputes and, therefore, often they would go unaddressed because litigation is too costly. A PC is more effective and cost efficient
- I would try it again.
- Some cases are appropriate but there are very few coordinators who are successful.
- I have been very pleased with the parenting coordinators role and decisions. The cost is high.

**Question 17: If you have any suggestions or comments about the survey, please add them here.**

- There needs to be more involvement from the court with the process. Parenting coordinators have not been well advertised and do not work well yet in the court.
- I think that Parenting Coordinators will help resolve a lot of the issues that are somewhat trivial for court but are huge deals for the parents. It is a much faster and much more efficient use of time and resources to decide issues between the parties. Sometimes a middle-person is needed just to tell the parties how things should be done. I think it is a great tool.
- I think this idea should be expanded. As finances are a big reason we don't do this, I would be interested in some ideas to make this cost effective. Thanks for the chance to comment.

## **Appendix 17. Parenting Coordinators Opinion Survey on Parenting Coordination Comments**

**Question 11: If you have not formally applied to be placed on the court's list of approved parenting coordinators, what are the reasons?**

- I began work in the area before the Supreme Court articulated a program; I have to go for the special training to be listed.
- Applied and accepted last winter, no cases assigned.
- Still need my 40 hrs of mediation training which I am taking next week
- The continued involvement of the GAL, even when there was no pending case, rendered my work impossible. The parties would constantly split to seek the opinion they liked better. It was ridiculous- like having two PCs who did not always agree.
- I am no longer in private practice. When I was I primarily worked as a Guardian ad litem. It never occurred to me to go the next step to ask to be on the list of parenting coordinators (assuming that list is separate from the list of approved GALs).
- Need to complete the recent requirement for Supreme Court approved training program
- Haven't completed the form. Not sure could comply with all the requirement.
- Not aware of such a list!
- I think I am on the list already

**Question 12: What documents do you need to begin the parenting coordination process?**

- Would depend on the case and its specific issues; if there is a person with mental health problems, for example, I might want to see reports of treatment.
- The more information a PC or GAL knows the better he or she can be. Understanding the child's needs, the family dynamic and the history of the parties is key to assisting the parents in compromising and coordinating efforts in ways that are consistent with the best interest of the child.
- police reports, previous protection orders, parenting plan if there is one
- Review and signing of a parenting coordination contract, with approval from attys.

**Question 15: What, if anything, should the court do to inform and prepare parents and attorneys about the parenting coordination process?**

- Above would be very helpful and would increase the standardization of the process.
- I have put together a comprehensive assessment process based on my training, experience, and the Ohio supreme court toolkit disseminated last year.
- Explaining the role and expectations is key and will help start everyone off on the right foot in dealing with the PC..
- I believe that if the Court introduced the PC to the parties it could be helpful in providing support and credibility to the individual chosen as well as the process itself.

**Question 16: What methods of communication do you use as a parenting coordinator?**

- This is what I word project, as I have not yet providential service.
- N/A as I am not longer in private practice. However in the past I have used in-person contact, email as well as Family Wizard to assist in the execution of my duties as a GAL.
- I checked only the methods which I have used thus far. Other methods might be appropriate to future cases.

**Question 17: Typically, how often do parents contact you for help with disputes?**

- Very case specific; some once or twicer every 6 months; some relatively frequent > once per month; with some there is a plan from the outset for some routine meetings and then a "graduation to on call status.
- Varies. Every day during an ongoing dispute, but could taper off to 1x per month during "quiet" times.
- Totally depends on the case and the age of the case. They start out almost daily and hopefully decline
- N/A. I believe this would be case specific. However interestingly enough it was brought to my attention that I was appointed as a parent coordinator years ago and I did not realize that the attorneys or the court had. I had served as GAL and I am guessing it wound up in the final Journal Entry however somehow I was not aware. However the family has never reached out for assistance, I gather in part because at the time of divorce the mother had moved the children out of state and thus there was not likely much to coordinate once the SPA was signed (this case was resolved by the parties vs. a trial to the court).
- Significant variation -- if in crisis, could be ongoing and almost daily; if not, months at a time or more go by with no communication.

**Question 18: What kinds of disputes have you had to address as a parenting coordinator?**

- The above are based on my experience as a therapist and mediator.
- N/A

**Question 19: How often have the children attended and participated in the parenting coordination process?**

- N/A
- N/A
- home visit where the child is present

**Question 20: How often have the parents' attorneys attended and participated in the parenting coordination process?**

- To increase the likelihood that there is agreement in the extended system and to see that what the PC is doing is consistent with what counsel as well as parties agreed to.
- N/A
- N/A

- The lawyers still seem to be very involved with their clients. The parties tend to go to the attorneys to secure support for their positions. The attorneys are not always sound in their backing of the parent coordinator authority and process.

**Question 21: How often have other people attended and participated in the parenting coordination process? (For example, extended family or friends, etc.)**

- N/A
- N/A
- significant others or new spouses have been asked to be part of process for specific purposes/issues
- home visit where other parties are present
- Experts have participated in the process. But none have yet actually attended a PC meeting with parents.

**Question 25: Can a parenting coordinator effectively provide services if he or she is not close geographically to the parents?**

- Ready, in person access is important; distance is really defined by parents willingness to travel
- Based on other means of communication .
- Under some circumstances, but I would want to meet with the parents intially, face to face.
- Face-to-face meetings do not need to be frequent and distance can be accommodated.
- They would have less of an impact as, in my opinion, in-person contact is a lot more effective in reaching compromises than contact by other means. But even a PC ho is not close would be better than no PC at all where the parents cannot communicate or coordindate with one another.
- Depends on the needs for immediacy of personal contact and types of issues. Current potentials for communication allow for geographic distances and the use of conference calling, for exmample, along with email and the like.
- via skype, not ideal
- It is not as effective given the loss of non-verbal communication.
- I think it would be possible to provide services. But I believe to be very effective it is helpful to be close geographically as meetings with the parties are generally a very important part of the process.

**Question 29: For what reasons have your parenting coordination relationships with families ended?**

- Court motion for custody
- Again on the one I was identified as being connected to, I never received a call for assistance.
- still working with the families

**Question 30: What is the optimal duration for a parenting coordinator appointment?**

- until children are 18 as needed
- Unknown.
- This might depend on how things are progressing.
- As needed
- It depends on the age of the child(ren). It would be best to be able to terminate the PC because the parties have learned to mediate their own disputes but otherwise the PC should remain in tact.

**Question 31: What do you consider to be best practices in providing parenting coordination services?**

- Even handedness, avoidance of appearance or actuality of bias or preferential treatment. Emphasis on rational processing and assisting parents to achieve that kind of approach in what is for them a very emotional arena. Focus on the needs and importance of children being able to benefit from their contacts and relationships with both their parents.
- Educating parents on communication and problem solving methods
- Based on training and rules of superintendence.
- Training in collaborative law and mediation
- The same as GALs or any professional dealing with our families: they should be informed, understanding, responsive, and able to assist those to find solutions where they have been unable or unwilling to do so
- Capacity to engage at the level of negotiating settlements of issues between parents. Genuine appreciation of the strengths and potentials of each parent regardless of the immediate issue positions. Capacity to set boundaries and demonstrate logical processing in conflict situations.
- open communication with the parents remaining unbiased always putting the children first
- First an effort to teach the parties to communicate and resolve disputes together.
- knowledge regarding mediation, child development and adult psychopathology, in addition to divorce literature on high conflict divorce. Coordination with both attorneys, judge and GAL to support the process.
- I personally believe that an important part of the PC process is to personally meet with both parties, separately and together. A PC should endeavor to build confidence in the parties as to the PC's knowledge, ability and independence. In addition a PC should first and foremost be a very capable mediator as this skill is invaluable to the process. The PC should let the parties know that their children are best served if the parents can reach consensus. But if they are unable to do so the parents should be very aware that the PC will not hesitate to make a decision when necessary.

- collecting collateral data, meeting with parents as required, including reviewing emails, being able to establish rapport with both parents, providing clear directives/advice in writing
- balanced communication with parties

**Question 38: Do you believe parenting coordination can be beneficial if it is ordered over the objection of one or both parents?**

- Mostly, I suspect it would not work but it cannot be said that it absolutely won't work. Generally, for a PC to be effective, the parents have to see the PC as an independent and professional resource focused on the needs of the child or children.
- Opportunity to engage them in the process.
- These cases tend to involve high conflict personalities. If they can not agree about the appointment of a coordinator, it is unlikely that any ruling of the coordinator will be honored.
- It will force the parties to at least try to work together and address issues in a civil manner with a third party (voice of reason) to assist in the process.
- I consider it unlikely but not impossible to work in a situation where one parent is rejecting of the process to start -- but the risk of failure is significantly higher.
- Once in the process they will see the benefit.
- It takes two parents to effectively parent or act in the best interests of the child(ren). If one or both cannot act with their child(ren)'s best interest in mind, they need to be moderated to avoid more trivial disputes from coming to court. I think the PC can help alleviate the court docket for these smaller issues.
- Unless the PC is authorized to resolve impasses, the process is easily sabotaged by a parent refusing to participate or honor agreements.
- it can be beneficial. But as I previously stated, PC works best if the parents are able to reach an agreement. It can be more difficult to obtain the agreement of someone who does not want to participate in the process. So the PC would be likely to have to make more decisions.
- once they become engaged in the process there is at least the possibility of more appropriate communication

**Question 39: Which of the following is an indicator that a family is likely to benefit from the parenting coordination process?**

- Parents are able to increase in personal comfort about their own effectiveness and have capacity to work with a changing situation.
- Parents have strong investment in the primacy of the needs of the children and some capacity to understand that the best interests of any child involve the ability to calm the love and attention of each parent as part of their lives.
- Parents just cannot communicate.
- The presence of attorneys who firmly support the PC process.

**Question 40: Which of the following is an indicator that family is not likely to benefit from the parenting coordination process?**

- The first two would rarely allow for success; the second two can be remedied if the PC has good therapeutic training.
- Parents tired of court (and persons affiliated with the court). Parents who don't believe anyone else should suggest how to parent their child. Parents who are unable to look past their disdain for the other parent long enough to see how their interactions with the other parent negatively affect their child.
- Personality disorder, if severe, can disrupt the process and undermine agreements.
- I think that the extent of the substance abuse, domestic violence and personality disorder could effect this answer.

**Question 41: Which of the following are important to the success of parenting coordination?**

- As a non-lawyer PC, I would be reluctant to endorse that a PC is able to interpret legal documents but I think being able to discuss likely implications of a document along with a careful instruction for clients to obtain further input from their own legal resources works well.
- PC able to listen and be patient.
- I have been faced with an order in which I was to decide which parent prevailed in an issue and then to charge the other parent for the session.; that type of control mechanism is a major barrier to being able to work with a couple and/or family on a productive basis.
- PC good at mediation.

**Question 42: What services/training/resources could the court offer that would assist you in providing parenting coordination services?**

- Speaking as a non lawyer PC, either training or some regular communication as to new developments on the legal front with respect to relevant case law would be very helpful.
- Parent Coordinator Meetings, not necessarily montly. Maybe bi-monthly or 4x per year.
- Initial PC training a couple of times a year would make it much easier for those of us already working in the area to upgrade and maintain our status. Current situation is counterproductive though I have been told that there will be some local or additional to Sup. Ct Columbus trainings established.

**Question 43: How can the court's parenting coordination program be improved?**

- Attorneys encourage involvement of pc in cases where parties have not improved communication and cooperative informed decision during the pendency of the case.
- Periodic communication with those of us accepted but not yet assigned.
- Raise awareness.
- See above. Availability of a resource at the Court when legal questions arise for those of us who are mental health professionals instead of being lawyers -- not because PC work

involves legal advice, but because our own questions being answered can assist us to not make errors with our clients.

- require the parents to deposit the retainer like a GAL case
- Educating the parents.

**Question 47: How do you allocated the cost of parenting coordination between parents?**

- My preference is to distribute costs evenly. I have had to work with orders that specified differences usually based on access to income, which has some reasonableness to it. I have had one case in which depending on which "side" I endorsed in a dispute, the other side would need to pay the bill. I consider that to be a very destructive and dynamically inappropriate order that leads into all kinds of unnecessary games.
- Equitably; generally turns out to be close to 50/50
- equally on joint issues. Each parent pays for his or her on time on issues presented
- N/A
- Pursuant to the Court Order. It should be outlined in the appointment of the Parent Coordinator.
- Equal unless court orders otherwise

**Question 48: If the cost is allocated unequally between parents, what would influence your decision to do so?**

- Significant difference in access to fund? imbalance in salaries, etc.
- Time used by one parent greatly exceeds time with both and other.
- Control abuse of process
- disparity of income or abuse of the process
- Persistent overuse of the PC by one parent without a basis. Ability to pay.
- See above. Additionally if one person was constantly calling in an amount unnecessarily higher than the other parent I might suggest the cost be assessed to that parent.
- If there is a clara disparity of financial status and capacity, then the original court order should reflect the percentage responsibilities. I do not wish to be the decision maker in such a situation as it will contaminate any of the work I am doing with the couple.
- If one party continues to cause problems that requires my involvement
- If one client dominates the use of the PC for individual purposes.
- income and current expenses
- not in my case

**Question 49: Have you had disputes over fees billed for providing parenting coordination services?**

- See above -- the argument was on whether my decision represented a victory for one side and therefore meant the other was responsible for the payment.
- A parent could simply not pay thier portion of the bill, and the end result might be that the PC withdraws for non-paymnet, thereby terminating the PC.

- If one parent abuses time, the other does not want to pay 1/2 fees
- Had to do with the case where the legitimacy of the argument was to be judged by me as a basis for payment.
- One parent refusing to pay their retainer
- One party believes the other caused the need for the PC intervention so that party should pay.
- people disputing charges even though they sign a fee agreement at beginning explaining them

**Question 50: What practices could the court adopt to enhance timely payment of parenting coordination fees?**

- I would probably be a good idea to use a retainer system and work against the retainer, something I do routinely in other areas of my forensic practice and probably would do in the future with PC work.
- Order retainer/deposit to IOLTA
- Better than cash bond would be requirement for a retainer with understanding that upon depletion, the parents would post the next retainer until the process was declared complete.

**Question 51: Does your professional insurance coverage cover parenting coordination services?**

- No
- No
- N/A
- no
- No
- not so far

**Question 53: If yes, what was the nature of the claim, lawsuit, complaint, disciplinary complaint, grievance, or insurance claim made against you, and how was it resolved?**

- N/A

**Question 55: In what way can the court support parenting coordinators in avoiding a claim, law suit, complaint, disciplinary complaint, grievance, or insurance claim related to providing parenting coordination services?**

- In GAL work (which I have done as well) and in doing evaluations under a court order, I have quasi judicial immunity; it would be reasonable to have that kind of protection for PC work.
- Not sure
- Court appointment and immunity similar to GAL appointment
- Perhaps provide a standard retainer agreement for PCs to use that is similar to a mediator retainer agreement.

- Setting initial expectations goes a long way. Perhaps updated PC training like GAL training CLEs
- Perhaps some kind of limited quasi judicial immunity specified in a court order could be considered.
- Have a internal Court process to address complaints
- Strong appointment letter and powers.
- To court order parenting coordination services, grant limited immunity from prosecution and require non-legal recourse to resolve complaints.
- by offering the same type of immunity that is offered to GAL's

Question 56: **If you have suggestions or comments about the survey, please add them here.**

- Please create a communication process for those of us not yet Assigned. process for those of us not yet assigned. Unanswered questions are due to lack of this experience.
- I apologize as many of my answers do not apply and/or were deduced from my work as a GAL as I didn't really do PC work. I happened to be identified in 1 prior to leaving private practice.

## Appendix 18. Supreme Court of Ohio Court Appointment Rule of Superintendence

### RULE 8. Court Appointments.

(A) As used in this rule:

- (1) “Appointment” means the selection by a court of any person or entity designated pursuant to constitutional or statutory authority, rule of court, or the inherent authority of the court to represent, act on behalf or in the interests of another, or perform any services in a court proceeding.
- (2) “Appointee” means any person, other than a court employee, receiving a court appointment who is selected by the court. “Appointee” does not include a person or entity who is selected by someone other than the court.

(B) Each court or division of a court shall adopt a local rule of court governing appointments made by the court or division. The local rule shall include all of the following:

- (1) A procedure for selecting appointees from a list maintained by the court or division of persons qualified to serve in the capacity designated by the court or division. The procedure shall ensure an equitable distribution of appointments among all persons on the appointment list. The court may consider the skill and expertise of the appointee in the designated area of the appointment and the management by the appointee of his or her current caseload. The court or division may maintain separate lists for different types of appointments.
- (2) A procedure by which all appointments made by the court or division are reviewed periodically to ensure the equitable distribution of appointments among persons on each list maintained by the court or division.
- (3) The manner of compensation and rate at which persons appointed will be compensated for services provided as a result of the appointment, including, if applicable, a fee schedule.

(C) The local rule required by division (B) of this rule may include qualifications established by the court or division for inclusion on the appointment list, the process by which persons are added to or removed from the appointment list, and other provisions considered appropriate by the court or division.

(D) If a party or other person is required to pay all or a portion of the fees payable to an appointee, the appointee promptly shall notify that party or person of the appointment and the applicable fee schedule. The court or division shall require the appointee to file with the court or division and serve upon any the party or other person required to pay all or a portion of the fees itemized fee and expense statements on a regular basis as determined by the court or division. If the party or other person required to pay all or a portion of the fees claims that the fees are excessive or unreasonable, the burden of proving the reasonableness of the fees is on the appointee.

**Appendix 19. Cuyahoga County Domestic Relations Court  
Parenting Coordinator Appointment Order**

**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
CUYAHOGA COUNTY, OHIO**

_____ ,	:	Case Number _____
Plaintiff/Petitioner-01,	:	
	:	
v.	:	JUDGE _____
	:	
_____ ,	:	<b><u>ORDER APPOINTING PARENTING</u></b>
Defendant/Petitioner-02/Respondent.	:	<b><u>COORDINATOR</u></b>

The Court hereby orders parenting coordination  on the Court's own motion  upon request of one party(mother/father).  upon request of both parties, to assist the parties in the implementation of their:  parental rights and responsibilities order  companionship time order, regarding the parenting of the following minor child(ren):

Child Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

**I. PARENTING COORDINATOR APPOINTMENT.**

The Court hereby appoints \_\_\_\_\_ to serve as the parenting coordinator for the minor child(ren) and the parties, pursuant to Local Rule 38. The parenting coordinator can be reached at:

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
E-mail

**II. TERM OF APPOINTMENT.**

The above named parenting coordinator is appointed for a term of \_\_\_\_\_ months ending on \_\_\_\_\_.

Date

### **III. POWERS AND DUTIES OF THE PARENTING COORDINATOR.**

The parenting coordinator's scope of authority is as follows:

A. Monitor the Court's Order and to assist the parties in resolving disputes related to the Order, provided that the disputes do not involve:

1. whether to grant, modify or terminate a protection order;
2. the terms and conditions of a protection order;
3. the penalty for violation of a protection order;
4. changes in the designation of the primary residential parent or legal custodian;  
or
5. changes to the primary placement of a child;

B. Consult with outside sources, such as teachers, therapists, physicians, attorney for either party, family members, etc., and review school records and speak to, or review the records of individuals with whom the parties and/or child(ren) have met.

Upon request of the parenting coordinator, parties shall sign any and all necessary authorizations to release records and information to the parenting coordinator from the following person(s) and sources:

1. Child(ren)'s current/previous pediatricians, psychologists or mental health professionals;
2. Child(ren)'s current/previous teachers, school staff and administrators;
3. Hospital and medical records for the child(ren);
4. Law enforcement agencies, personnel and records;
5. Custody evaluators;
6. Any other source(s) with information relevant to the child(ren).

C. Issue a written decision(s), when attempts to assist the parties to reach an agreement have failed, on any of the following:

1. Occasional schedule adjustments which do not substantially alter the basic time share agreement;
2. Participation in parenting time or companionship time by significant others, relatives, etc.;
3. School placement;
4. Dates, time and method of pick-up and delivery;
5. Minor or occasional adjustment in vacations or holiday schedules;
6. Transportation to and from parenting time;
7. Participation in childcare/daycare and babysitting;
8. School attendance and homework;
9. Bedtime schedule;

10. Diet;
  11. Purchase and sharing of child(ren)'s clothing, equipment and personal possessions, including possession and transporting of the same between households;
  12. Child(ren)'s appearance and/or alteration of appearance, including haircuts, tattoos, ear, face or body piercing;
  13. Sports, lessons and recreation;
  14. Enrichment activities and summer camp;
  15. Discipline;
  16. Participation in routine at-home health care and hygiene;
  17. Communication between the parties and between the parties and the child(ren);
  18. Health care management issues, including choice of medical providers;
  19. Child(ren)'s travel and passport issues;
  20. Signing of appropriate releases from each party to provide access to confidential and privileged records, including medical, psychological or psychiatric records of a party or the child(ren);
  21. Child(ren)'s participation in religious observances and religious education; and
  22. Any other parenting issues that were not previously addressed by the parties.
- D. Report to child protective services, law enforcement, or other appropriate authority pursuant to the procedures set forth in R.C. 2151.421, any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party;
- E. Interview the minor child(ren) privately in order to ascertain the child(ren)'s needs as to the issues being discussed. In conducting such an interview, the Parenting Coordinator shall avoid forcing a child to choose between the parties or otherwise putting a child in the middle of the parties' conflicts;
- F. Interview members of the immediate family or extended family of parties and other relevant third parties reasonably deemed necessary by the parenting coordinator. The parties shall provide the Parenting coordinator with all necessary information to contact and communicate with the above-mentioned persons, including phone numbers, mailing and residence addresses and email addresses;

#### **IV. CONFIDENTIALITY.**

- A. Communications between the parties and the parenting coordinator are not confidential. Therefore, written and oral communications, negotiations and statements made by the parties in the course of working together can and may be disclosed to others. Information provided by the parties, either in discussions with the parenting coordinator and/or in writing by the parties, will be considered by the parenting coordinator when making decisions and may be disclosed in his/her written decisions.

B. The parties are on notice that the parenting coordinator may disclose the following information:

1. He/she has reason to believe that a child is in need of protection;
2. Either party or another person is in danger of bodily harm; or
3. He/she learns of the intent to commit a felony

**V. FEES AND EXPENSES.**

The parties shall be equally responsible for the parenting coordinator's fees and any expenses associated with the parenting coordination. The parenting coordinator will bill at the rate of \$250.00 per hour and shall be paid by the parties within thirty (30) days of the date of the invoice.

**OR**

The Court has found that a disparity in income exists between the parties. Therefore, the apportionment of the parenting coordinator's fees and expenses shall reflect each party's pro rata share of their combined incomes, which is determined to be \_\_\_\_\_% to Mother and \_\_\_\_\_% to Father. The parenting coordinator will bill at the rate of \$\_\_\_\_\_ per hour and shall be paid by the parties within thirty (30) days of the date of the invoice.

The parenting coordinator has the right to suspend all services until payment of any unpaid balance.

**VI. PARENTING COORDINATION TERMS AND CONDITIONS.**

**A. CONTACT WITH THE PARENTING COORDINATOR.**

1. The parenting coordinator will inform the parties of the method of communication that you need to use throughout the parenting coordination process. The parenting coordinator should not be contacted outside of the work hours they communicate to you unless the parenting coordinator specifically authorizes parties in writing to call after hours, and then only for the specific purposes allowed by the parenting coordinator. Any party who abuses the parenting coordinator's personal time may be sanctioned by the Court. If parties are in disagreement after normal business hours, the complaining party should refrain from contacting the parenting coordinator until the next business day following the incident.
2. Each party shall contact the parenting coordinator within ten (10) days of the date of this Order to schedule the first appointment. The parenting coordinator shall determine the schedule for subsequent appointments, which may be held over the

telephone, in-person or by any other means deemed appropriate by the parenting coordinator.

3. The parties are responsible for providing the parenting coordinator with all necessary information to stay in communication with them, including all phone numbers, mailing and residence addresses and e-mail addresses.
4. The parties shall provide the parenting coordinator with copies of all pleadings, orders and custody evaluation reports which relate to the issues to be brought to the parenting coordinator. The parenting coordinator shall also have direct access to all orders and pleadings on file in the case, including files under a Sealing Order of the court.

**B. EMERGENCY CIRCUMSTANCES:**

The parenting coordinator is not available to respond to emergencies. Direct urgent health matters to the appropriate physician or seek emergency room service. Direct urgent mental health concerns to the appropriate therapist. If a child is in imminent danger of harm, parties shall contact law enforcement, the Department of Children and Family Services or other appropriate agency, not the Parenting coordinator.

**C. RECORD KEEPING:**

The parenting coordinator will maintain handwritten notes of the parenting coordination process in addition to print outs of your electronic and regular mail communications. These records will be maintained in the parenting coordination file.

**D. PARENTING COORDINATOR DECISIONS:**

1. If the parties are unable to reach an agreement regarding a dispute, the parenting coordinator shall prepare a written Decision which shall be effective immediately and be followed by the parties until otherwise ordered by the Court.
2. The Decision shall set forth the reasons for the parenting coordinator's decision. Should either party object to the written Decision, that party shall follow the procedures for filing objections set forth in Local Rule 38.

**E. SANCTIONS:**

The Court may impose sanctions for any violation of this Order which may include but is not limited to attorneys' fees and other costs, contempt or other appropriate sanctions at the discretion of the Court.

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JUDGE

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MAGISTRATE





## **Beatley v. Block**

Court of Appeals of Ohio, Fifth Appellate District, Delaware County

May 16, 2000, Date of Judgment Entry

Case No. 99CAF03016

### **Reporter**

2000 Ohio App. LEXIS 2156 \*; 2000 WL 699653

JACK K. BEATLEY, JACK R. BEATLEY, Plaintiffs-  
Appellants-vs- COLLEEN S. BEATLEY BLOCK,  
Defendant-Appellee

**Prior History:** [\*1] CHARACTER OF PROCEEDING:  
Civil appeal from the Delaware County Court of  
Common Pleas, Juvenile Division, Case No. 98060816.

Beatley v. Block, 2000 Ohio App. LEXIS 1804 (Ohio Ct.  
App., Delaware County, Apr. 25, 2000)

**Disposition:** Affirmed.

### **Core Terms**

parties, visitation, argues, court found, girls, trial court,  
coordinator, residential, custody, assigned error, child  
support, grandfather, factors, court's abuse, best  
interests of the child, court erred, appointment,  
grandparent, alienation, appellee's, paternal

### **Case Summary**

#### **Procedural Posture**

Plaintiffs father and grandfather of minor children  
appealed judgment of Delaware County Court of  
Common Pleas (Ohio), Juvenile Division, naming  
defendant mother the residential parent and denying  
separate order for grandparent visitation. Plaintiffs  
argued that the trial court abused its discretion in  
applying Ohio Rev. Code Ann. §§ 3109.04(F)(1),  
.051(b)(1)(c).

#### **Overview**

After very acrimonious divorce, defendant mother left  
state with parties' children. Plaintiffs father and  
grandfather brought action seeking custody and an

order for grandparental visitation. The court held that the  
trial court's judgment evidenced scrupulous attention to  
factors listed at Ohio Rev. Code Ann. § 3109.04(F)(1) in  
determining what children's best interest required. There  
was no abuse of discretion in any of its determinations,  
such as the finding that each parent had sought to  
interfere with the other's rights, and that plaintiff father's  
conduct was good cause for defendant to leave the  
state. Acrimony between parties justified court's  
appointment of neutral coordinator. In finding that minor  
children's interests were served by stability, there was  
no abuse in awarding residential custody to defendant  
and, because plaintiff grandfather spent plenty of time  
with granddaughters during visits to plaintiff father, there  
was no abuse of discretion in denying separate order for  
grandparent visitation.

#### **Outcome**

The court affirmed custody order, because trial court  
clearly considered all proper statutory factors and did  
not abuse discretion in finding both parents at fault, that  
defendant had good reason for leaving state, that  
plaintiff provided little child support, in appointing neutral  
parental coordinator, and denying separate grandparent  
visitation order.

### **LexisNexis® Headnotes**

Family Law > Child Custody > Custody  
Awards > General Overview

#### **HN1 [ ] Child Custody, Custody Awards**

Ohio Rev. Code Ann. § 3109.04(F)(1) sets forth factors  
which the court is to consider in allocating parental  
rights and responsibilities.

Family Law > ... > Visitation  
Awards > Standards > Best Interests of Child

Family Law > Child Custody > Visitation > General  
Overview

Family Law > ... > Visitation Awards > Third  
Parties > Grandparent Visitation

## **HN2** Standards, Best Interests of Child

*Ohio Rev. Code Ann. § 3109.051(B)(1)(c)* provides that a trial court must determine whether grandparent visitation rights are in the best interest of the children.

**Counsel:** For Plaintiff-Appellant: DOUGLAS R. JENNINGS, PHILIP M. COLLINS, Columbus, OH.

For Defendant-Appellee: J. CRAIG WRIGHT, EUGENE B. LEWIS, Columbus, OH.

**Judges:** Hon. Julie A. Edwards, P.J., Hon. John R. Milligan, V.J., (Sitting by Supreme Court Assignment) Hon. W. Don Reader, V.J., (Sitting by Supreme Court Assignment) By Milligan, V.J., Edwards, J., and Reader V. J., concur.

**Opinion by:** John R. Milligan

## **Opinion**

Milligan, V. J., Appellant Jack K. Beatley appeals a judgment of the Delaware County Court of Common Pleas, Juvenile Division, naming appellee Colleen S. Beatley Block the residential parent of the parties' twin daughters:

### ASSIGNMENTS OF ERROR

I. THE TRIAL COURT ERRED IN DESIGNATING DEFENDANT AS THE CHILDREN'S RESIDENTIAL PARENT.

II. THE TRIAL COURT ERRED BY FAILING TO REQUIRE THAT THE CHILDREN BE RETURNED TO THEIR HOME STATE OF OHIO.

III. THE TRIAL COURT ERRED BY ADOPTING FINDINGS OF FACT THAT ARE NOT SUPPORTED BY THE EVIDENCE.

IV. THE TRIAL COURT ERRED BY APPOINTING AND REQUIRING THE PARTIES TO PAY FOR A PARENTING COORDINATOR.

Appellant [\*2] Jack R. Beatley, the paternal grandfather of the girls, appeals a judgment denying him grandparent visitation:

I. THE TRIAL COURT ERRED IN FAILING TO GRANT COMPANIONSHIP RIGHTS TO THE CHILDREN'S GRANDPARENTS, AND IN FAILING TO FIND THAT VISITATION WAS IN THE CHILDREN'S BEST INTERESTS.

Appellant Jack K. Beatley and appellee Colleen Beatley Block are the parents of twin daughters, Alexandria and Victoria, born on August 1, 1992. The parties were divorced in Florida on March 27, 1998. Following the finalization of the Florida divorce, appellant instituted the instant action by filing a complaint in the Delaware County Common Pleas Court, Juvenile Division, for custody of the girls and child support. The case proceeded to trial. On March 1, 1999, the court ordered that appellee be the residential parent of the twin girls. The court found that appellee had good cause and motivation to avoid living in central Ohio, as she experienced a great deal of aggravation after separating from appellant. The parties had a history of extensive conflict, including physical confrontation, surveillance, searching of appellee's trash, and appellee receiving cockroaches in the mail. The court further concluded [\*3] that appellee's marriage to Jarrod Block was healthy and stable, and the court would not require her to move back to Ohio. The court concluded that it was in the best interest of the children to live with their mother in Florida. The court ordered all parties into counseling, as for the benefit of the children, the parties needed to take steps to normalize their relationship. The court overruled the paternal grandfather's motion for visitation. We first address the assignments of error raised by appellant Jack K. Beatley, the natural father of the girls.

In his first assignment of error, appellant argues that the court erred in designating appellee as the children's residential parent. Appellant argues that the court failed to consider certain factors in allocating parental rights and responsibilities. Appellant argues that the court did not consider the fact that appellee concealed the children from him, and alienated the children from him, and did not consider the effect of these two factors on other relevant **HN1** factors. *R.C. 3109.04 (F)(1)* sets forth relevant factors which the court is to consider in allocating parental rights and responsibilities. It [\*4] is apparent from the court's judgment that it considered each of the relevant statutory factors, specifically setting

forth its consideration of such factors on page two of the judgment entry. Appellant argues that appellee twice moved the children to a new state, and concealed them from him. Both parties presented evidence that the other party engaged in behavior designed to keep the girls from visiting with the other parent. After considering all of the evidence, and the conduct of both parents, it is apparent that the court found both appellant and appellee were to blame. The court found that both parents have at times failed to facilitate visitation, and deny visitation by manipulative allegations and interference. The court noted that appellant accused appellee of kidnaping, and appellee suggested the potential for domestic violence by appellant. The court specifically found the evidence was not adequate for the court to consider these issues in its decision. The court did not abuse its discretion, based on evidence of attempts by both parties to interfere with the right of the other to see the children, in finding both parties at fault. Appellant also argues that the court failed [\*5] to find that appellee engaged in alienating the girls from their father. The court found that both parties had engaged in behavior attempting to undermine the other's relationship with the children. The court attempted to deal with the parental alienation issue by ordering all parties into counseling. The court did not abuse its discretion in naming appellee the residential parent, as there was evidence of both parties engaging in alienation. Finally, appellant claims that the abduction, concealment, and alienation of the girls from him taints every other relevant factor concerning custody. As discussed previously, the evidence and findings of the court reflect that both parents had engaged in interfering with the other's relationship with the children. Therefore, to the extent that appellee's conduct impacted the other factors for determining custody, appellant's conduct would also have such an impact. Appellant has not demonstrated that the court abused its discretion in naming appellee the residential parent. The first assignment of error is overruled.

II

Appellant argues that the court erred in failing to require that the children be returned to Ohio. We note at the outset that [\*6] this not a case where a child has been relocated after a final custody determination. The court found that appellee had a good reason to avoid living in Ohio, and for moving to Florida. There was evidence that after running into appellant at a Columbus restaurant, a large "A" with a circle around it had been scratched onto the hood of her car, and the side of the car had been keyed. Appellant regularly referred to

appellee as an adulteress. While appellee was living in Ohio, her mail was stolen. Appellant admitted that he had appellee under surveillance for a time. He admitted to picking up her trash, and having other people pick up her trash, so that he could gain information to use to impeach her testimony during the pending litigation. Appellant obtained a carbon of faxes that were sent to appellee by her attorney. A person who knows appellant sent a tin full of cockroaches to appellee on appellant's behalf. In light of the on-going conflict occurring while appellee lived in Ohio, the court did not err in concluding that appellee had good cause for moving to Florida, and her residential status should not weigh against her in the custody decision. The second assignment of error is [\*7] overruled.

III

Appellant argues that the court abused its discretion by finding that no evidence of the physical health of the persons involved was presented, and the court erred in finding that appellee was left destitute for lack of child support. Appellant argues that there was testimony before the court that appellee's husband, Jarrod Block, had several medical conditions which were exacerbated by the stress of the current litigation. While appellant argues that the court found that no evidence was introduced regarding the physical health of all persons involved, this claim is without merit. The court found that the mental and physical health of persons involved was not a factor considered by the court, because there was no evidence presented which was cause for the court to consider the same in rendering its decision. Judgment entry, page two. It is apparent that the court did not simply ignore the evidence regarding Jarrod Block's health, but found that the problems did not rise to the level where the court felt they would impact the best interest of the children. Appellant disputes the court's finding that he underpaid child support to appellee. According to appellant, the [\*8] court ignored appellee's failure to pay child support to him. Appellant also argues the court erred in finding that appellee was left destitute by his failure to pay more than a token of the support ordered in the Franklin County proceedings in December of 1994. The court found that appellant was ordered to pay support in the amount of \$ 4,300. Over a period exceeding three years, appellant paid approximately \$ 9,000. The court found that the amount paid by appellant was sufficient solely to make his consent to adoption necessary, but not enough for appellee to take care of the girls. Counsel for appellant stipulated at trial that he failed to comply with the court order. Tr. (III) 84. While appellant argues that he was

unable to pay, there was evidence presented that his net worth was approximately \$ 6,000,000. As to appellant's claim that appellee failed to pay child support to him, there is evidence that on June 8, 1999, a magistrate in Delaware County put on an ex parte order ordering appellee to pay child support of \$ 50.00. While there is some confusion procedurally in the subsequent entries issued by the court, it is apparent that the child support order was vacated shortly [\*9] thereafter, and no subsequent order reinstated child support. Appellant has not demonstrated that the court abused its discretion in its findings concerning the issue of child support. The third assignment of error is overruled.

#### IV

Appellant argues that the court abused its discretion by appointing a parenting coordinator to resolve visitation conflicts after entry of the final decree. Appellant argues that the court did not have the authority to delegate its authority to monitor custody and visitation. Appellant has not demonstrated that the court abused its discretion in ordering the appointment of a parenting coordinator to work with the parties on stabilizing their relationship as it relates to the children. It is apparent from the order that the court did not abdicate any judicial responsibility to the parenting coordinator. In Section 4.6, the court states that the parenting coordinator does not have authority to evaluate custody. In Section 4.5, the order states that the parenting coordinator's fundamental role is to minimize the conflict to which the children are exposed by the parties. Given the history of discord between the parties, appellant has not demonstrated error [\*10] in the appointment of a neutral person to assist the parties in minimizing conflict. In addition, appellant has demonstrated no prejudice from the appointment of the parenting coordinator. The record does not demonstrate that the coordinator has usurped the role of the trial court. It is apparent from the record that after the March 1, 1999, judgment, appellant has filed several motions regarding the children, including a motion to change custody, and the trial court has ruled on every motion. The fourth assignment of error is overruled.

We next turn to the assignment of error raised by appellant Jack R. Beatley, the paternal grandfather of the girls.

#### I

Appellant argues that the court erred by failing to grant him companionship rights with the children, and by failing to find grandparent visitation is in the best interest

of the children. HN2 [†] R.C. 3109.051 (B) (1)(c) provides that a trial court must determine whether grandparent visitation rights are in the best interest of the children. There was evidence presented that when Jack K. Beatley has the children, he makes them available to his father, as much as possible. Appellant Jack R. Beatley testified that [\*11] he sees and spends time with the girls when they are with their father. Based on the evidence presented in the case, the court found that visitation with their grandfather would not be in their best interest, as to require time for visitation by the grandfather in addition to the father would constitute too much time away from the residential parent. The court concluded that the children definitely needed to have one home, one community, one school, and a predictable routine. Judgment, page 8. The court did not abuse its discretion in concluding that visitation by the paternal grandfather, in addition to the father's visitation, would be too time demanding for the children. Further, the court ordered that if the paternal grandfather requests an occasional day visit or overnight visit at the mother's community, with adequate advance notice, appellee must comply. Appellant has not demonstrated that the court abused its discretion in failing to grant grandparent visitation. The assignment of error is overruled.

The judgment of the Delaware County Common Pleas Court, Juvenile Division, is affirmed.

By Milligan, V.J., Edwards, J., and Reader V. J., concur

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End of Document

You are here:[Home](#) > [Court Rules](#) > Rule 38

## Rule 38: Parenting Coordination

(CUYAHOGA COUNTY)

### 1.01 Definitions

As used in this rule:

#### (A) Domestic Abuse

“Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

#### (B) Domestic Violence

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

#### (C) Parenting Coordination

“Parenting coordination” means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.

#### (D) Parenting Coordinator

“Parenting coordinator” means an individual appointed by the Court to conduct parenting coordination.

### 1.02 Purpose

This rule allows for the resolution of disputes related to parental rights and responsibilities or companionship time orders outside of Court.

### 1.03 Scope

The Court may appoint a parenting coordinator upon the filing of a parental rights and responsibilities or companionship time order.

### 1.04 Limitations of Parenting Coordinator

A parenting coordinator may not determine the following:

- (A) Whether to grant, modify, or terminate a protection order;
- (B) The terms and conditions of a protection order;
- (C) The penalty for violation of a protection order;
- (D) Changes in the designation of the primary residential parent or legal guardian;
- (E) Changes in the primary placement of a child.

#### 1.05 Parenting Coordinator Qualifications, Continuing Education, Reporting

(A) The Court may appoint an individual as a parenting coordinator who has all of the following qualifications:

(1) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;

(2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;

(3) Has completed the following training approved by the Dispute Resolution Section of the Supreme Court of Ohio:

(a) At least twelve (12) hours of basic mediation training;

(b) At least forty (40) hours of specialized family or divorce mediation training;

(c) At least fourteen (14) hours of specialized training in domestic abuse and dispute resolution;

(d) At least twelve (12) hours of specialized training in parenting coordination.

#### (B) Continuing Education

(1) To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.

(2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division 1.05(C), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three (3) hours of continuing education for each calendar year of deficiency.

#### (C) Reporting.

A parenting coordinator shall submit to the Director of the Parenting Coordination Program:

(1) A resume documenting compliance with division 1.05(B); and

(2) An updated resume in the event of any substantive changes; and

(3) Notification of any changes to name, address, and telephone number and, if available, electronic mail address.

## 1.06 Appointment

(A) The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:

(1) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;

(2) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;

(3) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an Order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

(4) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

(5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;

(6) Any other factor as determined by the Court.

### (B) Parenting Coordinator Appointment Order

The appointment order shall set forth all of the following:

(1) The name, business address and business telephone number of the parenting coordinator;

(2) The specific powers and duties of the parenting coordinator;

(3) The term of the appointment;

(4) The scope of confidentiality;

(5) The fees and expenses to be charged for the services of the parenting coordinator as set forth in division 1.08(G) of this rule;

(6) The parties' responsibility for the payment of fees and expenses for services rendered by the parenting coordinator;

(7) The parenting coordinator has the right to suspend all services until payment of any unpaid balances;

(8) The terms and conditions of parenting coordination;

(9) Any other provisions specifically agreed to by the parties not in conflict with the definition of parenting coordination as set forth in division 1.01 (C) of this rule.

### (C) Selection of Parenting Coordinator for Appointment

The parenting coordinator may be selected using one (1) of the following methods:

- (1) By the Court randomly from the Court's roster of parenting coordinators; or
- (2) By the Court based on the type of case, and the qualifications and caseload of the parenting coordinator; or
- (3) By agreement of the parties from the Court's roster of parenting coordinators; or
- (4) By any other method approved by the Court.

(D) Prohibited Parenting Coordinator Appointments

The Court shall not appoint a Parenting Coordinator who does not possess the qualifications in division 1.05 of this rule, or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate, guardian ad litem, custody evaluator, therapist, consultant, coach, or other mental health provider to any family member, or attorney for either party. Parties may not waive this prohibition.

(E) Appointment of Mediator as Parenting Coordinator

With written consent of the parties, the individual who served as a mediator for the parties may be appointed as the parenting coordinator.

(F) Termination or Modification of Parenting Coordinator Appointment

Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

### 1.07 Parenting Coordinator Responsibilities

(A) Ability to Perform Duties

A parenting coordinator shall report in writing to the Director of the Parenting Coordination Program any factor that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

(B) Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.

(C) Independence, Objectivity, and Impartiality

A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

(D) Conflicts of Interest

(1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

(2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Director of the Parenting Coordination Program and the parties in writing of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court through the Director of the Parenting Coordination Program.

(E) Ex parte Communications

A Parenting Coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(F) Legal advice

A Parenting Coordinator shall not offer legal advice.

(G) Parenting Coordination Agreements, Reports, and Decisions

(1) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.

(2) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be promptly filed with the Court and include all of the following:

- (a) Case caption, including the case number;
- (b) Date of the decision;
- (c) The decision of the parenting coordinator;
- (d) Facts of the dispute and facts upon which the decision is based;
- (e) Reasons supporting the decision;
- (f) The manner in which the decision was provided to the parties;
- (g) Any other necessary information.

(3) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen (14) days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten (10) days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge shall issue a ruling on the objections within thirty (30) days from the date of the last objection filed.

(4) Upon request of the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:

- (a) Dates of parenting coordination session(s);
- (b) Whether the parenting coordination session(s) occurred or was terminated;
- (c) Requests to reschedule a parenting coordination session(s), including the name of

the requestor and whether the request was approved;

- (d) Whether an agreement was reached on some, all, or none of the issues;
- (e) Who was in attendance at each session(s);
- (f) The date and time of a future parenting coordination session(s);
- (g) Whether any decisions were written, and if so, the date(s).

## 1.08 Parenting Coordination Procedures

### (A) Screening for and Disclosure of Domestic Abuse and Domestic Violence

(1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.

(2) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.

(3) When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:

(a) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;

(b) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;

(c) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

### (B) Disclosure of Abuse, Neglect, and Harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

### (C) Attendance and Participation

(1) The parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order. Parties shall attend parenting coordination sessions as requested by the parenting coordinator. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.

(2) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties.

(D) Referrals to Support Services

A parenting coordinator shall provide information regarding referrals to other resources as appropriate.

(E) Parenting Coordinator Evaluations

(1) A parenting coordinator shall provide parties with the parenting coordinator evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment. The evaluation form shall be completed by the parties and submitted to the Director of the Parenting Coordination Program.

(2) The Director of the Parenting Coordination Program shall complete a review of the parenting coordinators on the Court's roster in January of each year.

(F) Complaint of Parenting Coordinator Misconduct

(1) A party to a case in which a parenting coordinator has been appointed may file a complaint regarding misconduct of the parenting coordinator within one year from the termination of the appointment. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.

(2) The complaint shall be submitted to the Director of the Parenting Coordination Program, and include all of the following:

- (a) The case caption and case number;
- (b) The name of the parenting coordinator;
- (c) The name and contact information for the person making the complaint;
- (d) The nature of any alleged misconduct or violation;
- (e) The date the alleged misconduct or violation occurred.

(3) The Director of the Parenting Coordination Program shall provide a copy of the complaint to the parenting coordinator;

(4) The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the Director of the Parenting Coordination Program.

(5) The Court designee shall conduct an investigation into the allegations and shall issue a response.

(G) Fees

A parenting coordinator shall be paid \$250.00 per hour, unless otherwise ordered by the Court or agreed to by the parties and the parenting coordinator. If the Court determines that the parties are indigent, some of the fees associated with the parenting coordinator may be waived. The parenting coordinator has the right to suspend all services until

payment of any unpaid balances.

#### 1.09 Confidentiality and Privilege

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

#### 1.10 Public Access

The files maintained by a Parenting Coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

#### 1.11 Model Standards

The Court and a parenting coordinator shall comply with the "Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the "Guidelines for Parenting Coordination" and this rule, this rule shall control.

#### 1.12 Court Reporting Requirements

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all of the following:

- (A) A copy of this rule;
- (B) A copy of the Court's current roster of parenting coordinators;
- (C) A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;
- (D) A copy of each list of continuing education training received by the Court from each parenting coordinator.

#### 1.13 Sanctions

The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.

*(Effective November 1, 2014.)*

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IN THE COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION  
CUYAHOGA COUNTY, OHIO

_____	)	CASE NO.
	)	
Plaintiff	)	JUDGE
	)	
vs.	)	<u>AGREED JUDGMENT ENTRY</u>
	)	(Parenting Coordinator)
_____	)	
	)	
Defendant	)	

This cause came on for consideration on the \_\_\_\_\_ day of \_\_\_\_\_  
2017 upon the agreement of the parties, through their respective counsel, and the  
Guardian Ad Litem, to select John J. Ready as the Parenting Coordinator in the within  
matter.

The Court finds that an Agreed Judgment Entry was journalized by this Court on  
\_\_\_\_\_ appointing John J. Ready as the Parenting Coordinator in this  
matter, and that the Parenting Coordinator will submit an amendment to the Agreed  
Judgment Entry with his required and necessary parenting coordinator language.

The Court finds that the parties hereby agree to the following terms and conditions  
pertaining to John J. Ready as their Parenting Coordinator.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the  
following terms and conditions pertaining to John J. Ready as the Parenting Coordinator  
in the within matter are ordered effective immediately upon journalization of this order.

PARENTING COORDINATOR

Mother and Father agree to utilize the services of a qualified Parenting  
Coordinator to help resolve their temporary or permanent differences regarding their  
child(ren) and their care in a manner that serves the best interests of the child(ren),

minimizes conflict between parents that could harm the child(ren) and fosters cooperation and communication between parents. Mother and Father understand that the Parenting Coordinator may assess the situation and educate them as necessary regarding legal issues, child development and communication. The Parenting Coordinator may also mediate disputes between the parents, coach on strategies of dealing with the other parent and with the child(ren), and may make referrals to other professionals such as therapists.

Mother and Father understand and agree that they will be bound by the decision of the Parenting Coordinator subject to either party's right to invoke the continuing jurisdiction of the court.

A. Mother and Father agree to engage the services of John J. Ready as Parenting Coordinator. The Parenting Coordinator is empowered to discuss issues that arise between the parties and coordinate a resolution of those issues. Mother and Father understand and agree that they will be bound by the decision of the Parenting Coordinator until further order of court. The parties shall make an appointment to jointly meet the Parenting Coordinator for an initial office meeting within thirty (30) days of the execution of this order and shall engage the Parenting Coordinator according to the terms outlined herein, including the payment of the retainer for the Parenting Coordinator. The purpose of meeting the Parenting Coordinator within thirty (30) days of this order is so that the Parenting Coordinator can be in place and pre-positioned to immediately deal with issues arising in the future for this family.

B. Term of Appointment: The above named parenting coordinator is appointed for a term of \_\_\_\_ months ending on \_\_\_\_\_.

C. Initial Office Meeting: The parents of the child(ren) shall jointly contact the office of the Parenting Coordinator to schedule a joint meeting with the Parenting Coordinator as soon as possible after the journalization of the Court order containing a provision that a Parenting Coordinator is assigned. The meeting between the parents and the Parenting Coordinator shall be conducted within thirty (30) days of the journalization of the Court order containing a provision that a Parenting Coordinator is assigned.

The parties shall return to Court in approximately 45 days, on \_\_\_\_\_, to review compliance with the portion of this order appointing a PC for their minor children. The purpose of the review hearing is to ascertain whether the parties have retained the PC, and met with the PC within thirty (30) days of this order. If the parties have retained and met with the PC within thirty (days) of this order, the parties may elect not to appear for the review hearing, and counsel for the parties may arrange to appear at the review hearing by phone, otherwise, all parties and counsel shall appear in person.

Review of compliance with his order appointing a PC may result in a finding of contempt upon motion and notice.

D. Telephone Conferences: Telephone conferences will be available upon request.

E. Communication: Copies of all correspondence to the Parenting Coordinator *must* be mailed, faxed, e-mailed or hand delivered to the other parent with a "cc:" noted on the correspondence unless otherwise directed by the Parenting Coordinator.

F. Appointments: Appointments with the Parenting Coordinator shall be scheduled at the request of either parent by phone or in person with no written notice required unless a court order exists that provides a different process. Mother and Father agree to make a good faith effort to be available for appointments when requested by the other parent or the Parenting Coordinator.

G. Witnesses: Mother and Father stipulate that the Parenting Coordinator may consult with professionals and others who have information about us or our child(ren), such as physicians, psychologists, dentists, therapists, custody evaluators, school teachers, guardian *ad litem*, and agree that such information received may be considered by the Parenting Coordinator in issuing a decision.

H. Fees: Mother and Father agree to pay the Parenting Coordinator for all time and costs in working with Mother and Father, including time spent by the Parenting Coordinator reviewing documents and correspondence, meeting with the parents, phone conferences with us, counsel for either party, professionals and others, and deliberation and issuance of decisions, at the rate of \$375.00 per hour. Mother and Father also agree to pay the costs incurred by the Parenting Coordinator including, but not limited to, database research charges, long-distance telephone calls, copies, fax charges, etc.

Mother and Father shall pay the Parenting Coordinator's fees and costs in the following manner: Father shall pay \_\_\_\_% and Mother shall pay \_\_\_\_% for all joint sessions or time spent working on an issue raised by one of the parties. Mother and Father shall each pay for the individual time spent in person, on the phone, or in electronic communication with the Parenting Coordinator. The Parenting Coordinator shall bill each party separately for their individual time with the Parenting Coordinator, and bill each party one-half of the joint time spent on behalf of the family. Mother and Father shall sign the parenting coordinator engagement letter to initiate the services of the Parenting Coordinator. The retainer for the Parenting Coordinator shall be identified in the engagement letter.

Mother and Father agree that the Parenting Coordinator may resign for non-payment of fees as agreed. Mother and Father further acknowledge that the court has ordered that they retain and pay the Parenting Coordinator as agreed, and that the Parenting Coordinator may seek this Court's assistance in collecting fees, if necessary.

I. Decision: The Parenting Coordinator will initially discuss the matter with both parties in an effort to help the parties reach a mutually agreeable resolution to any disagreement or controversy involving the minor children. If the parents are unable to reach a mutually agreeable resolution with the assistance of the Parenting Coordinator, then the Parenting Coordinator will make a decision regarding the area of disagreement between the parties, subject to either party invoking the continuing jurisdiction of the Court.

When the Parenting Coordinator makes decisions for Mother and Father, the Parenting Coordinator shall issue a decision in writing and deliver a copy of said award to each party and, if advised to do so by a party, to his or her respective attorney by U.S. Mail, postage pre-paid or electronic mail, if available, within 14 days, or at a later date as circumstances may control, from the date of the completion of the process. Mother and Father authorize the Parenting Coordinator also to include mediated agreements in the decision. The Parenting Coordinator's final decision shall be binding upon both parents until further order of Court, or further written decision of the Parenting Coordinator.

J. Interviewing the Children: The Parenting Coordinator is authorized to interview the minor child(ren) privately in order to ascertain the child's needs as to the issues being decided. In conducting such an interview, the Parenting Coordinator will not force the child to choose between the parents.

K. Limitation of authority: The decision making authority of the Parenting Coordinator shall not affect the Courts exclusive jurisdiction to determine the allocation of parental rights and responsibilities or the parenting time. The decision making authority of the Parenting Coordinator shall not affect the allocation of parental rights and responsibilities. Such decision making authority of the Parenting Coordinator shall be limited to any of the following day-to-day issues:

- (1.) Minor changes or clarification of parenting time/access schedules or conditions including vacation, holidays, and temporary variation from the existing parenting plan;
- (2.) Travel requests including visitation adjustments, make up time, accommodations, travel information, passports and travel documents, communication during travel and access during travel with one parent;
- (3.) Transitions/exchanges of the children including date, time, place, means of transportation and individuals transporting the minor children;
- (4.) Health care management including medical, dental, orthodontic, and vision care including the distribution, provision and sharing of prescription medication for the children by and between the parents;
- (5.) Child-rearing issues;

- (6.) Bedtime, diet and nutrition issues;
- (7.) Psychotherapy or other mental health care including substance abuse assessment or counseling for the children;
- (8.) Psychological testing or other assessment of the children and parents;
- (9.) Education or daycare including school choice, tutoring, summer school, participation in special education testing and programs or other major educational decisions;
- (10.) Participation in child care and babysitting;
- (11.) School attendance and homework;
- (12.) Enrichment, recreation and extracurricular activities including camps, volunteer activities and organizations, and jobs;
- (13.) Religious observances and education;
- (14.) Discipline;
- (15.) Occasional schedule adjustments which do not substantially alter the basic schedule for parenting time previously ordered by the court.
- (16.) Clothing, equipment, and personal possessions of the children;
- (17.) Communication between the parents about the children including conversations which take place in person, telephone, fax, e-mail, text, electronic or online posts, notes in backpacks, etc.;
- (18.) Communication by a parent with the children including telephone, cell phone, pager, fax, and e-mail when they are not in that parent's care;
- (19.) Alteration of appearance of the children including haircuts, cosmetic surgery, tattoos, ear and body piercing;
- (20.) Role of and contact with significant others and extended families;
- (21.) Dating, driving and social relationships including communication by the children to others by e-mail, text, instant messaging, social networking websites, blogs, chat rooms, web pages, and future digital developments in communication;

- (22.) Substance abuse assessment or testing for either or both parents or a child, including access to results;
- (23.) Parental participation in medical, dental, orthodontic, counseling, therapy, psychological, psychiatric or physical therapy appointments; and
- (24.) Parenting classes for either or both parents.

The Parenting Coordinator shall not be given authority to make any decision which materially alters the existing time sharing arrangement or any change of physical custody of the minor children.

L. Time: The Parenting Coordinator is authorized to tell either or both parents if he believes that an inordinate amount of time is being taken by either or both parents in this process. Mother and Father agree that the amount of time spent on resolving a dispute be in proportion to the nature of the dispute, as determined by the Parenting Coordinator.

M. The parties stipulate and agree that the services of the Parenting Coordinator, and the obligations to the Parenting Coordinator, like those of a Guardian Ad Litem, are in the nature of child support, and are therefore not dischargeable in any bankruptcy proceeding.

N. Immunity and Removal: The Parenting Coordinator shall have the status of a Guardian Ad Litem with all rights and privileges attendant thereto including quasi-judicial authority and immunity provided to Guardians *ad litem*.

In the event that a parent has a complaint regarding the Parenting Coordinator, the parent should schedule and attend an appointment with the Parenting Coordinator to discuss the issue and resolve the problem. In the event a personal meeting between the complaining parent and the Parenting Coordinator does not resolve the disagreement, then the parent may make an appointment for that parent and the Parenting Coordinator with the children's Guardian *Ad Litem*, if there is a Guardian *Ad Litem* available, in order to resolve the matter. If there is no Guardian Ad Litem available, or if no resolution is reached, either parent may file a motion with this Court to remove the Parenting Coordinator. This Court will determine whether to remove and/or replace the Parenting Coordinator. This Court reserves jurisdiction to determine if the Parenting Coordinator's time and expenses should be reimbursed in part, or totally in the event of a motion to remove the Parenting Coordinator, including attorney's fees incurred by the Parenting Coordinator.

O. Privilege: The parties agree that there are no testimonial privileges that attach to any facts known by, or observations of the Parenting Coordinator.

P. Advice: The Parenting Coordinator is a licensed attorney, but he does not offer legal advice, nor does he provide legal counsel to the parties when acting in the role of Parenting Coordinator. Each parent is advised to retain his/her own attorney in order to be properly counseled about his/her legal interests, rights and responsibilities.

Q. Confidentiality: The Parenting Coordinator does not guarantee confidentiality of written or oral communications, negotiations and statements made by the parties in the course of working together. Information provided by parents, either in discussions with the Parenting Coordinator and/or in writing by the parents, will be considered by the Parenting Coordinator when making decisions, and may be disclosed in written decisions.

R. Mandatory Reporting: The Parenting Coordinator must report to child protective services, law enforcement, or other appropriate authority pursuant to the procedures set forth in R.C. 2151.421, any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party.

S. Cooperation with Parenting Coordinator: Both parties shall participate in the dispute resolution process as defined by the parenting coordinator, and shall be available upon request. The parenting coordinator shall have the following rights, conferred by the parties, and mandated by this agreement:

- (1) to require the parties to execute all releases deemed necessary by the Parenting Coordinator;
- (2) to interview the parties, attorneys or child(ren) in any combination, and to exclude any party or attorney from such interview;
- (3) to have reasonable access to the child(ren) with adequate notice;
- (4) to have access to any therapist or any of the parties or child(ren), and access to school or medical records;
- (5) to obtain releases for any evaluation psychological testing, or test results performed on any child(ren) or any parent or custodian or guardian or the child(ren), including releases needed to speak directly with the relevant professionals;
- (6) to have access to educators of the child(ren);
- (7) to obtain copies of past and future pleadings relating to custody and parenting issues within seven (7) calendar days after filing by either party;

(8) to obtain all relevant records, documentation, and information deemed necessary by the Parenting Coordinator.

The parties are responsible for providing the Parenting Coordinator with all necessary information to stay in communication with them, including all phone numbers, mailing and residence addresses and e-mail addresses.

The parties shall provide the Parenting Coordinator with copies of all pleadings, orders, and custody evaluation reports which relate to the issues to be brought to the Parenting Coordinator. The Parenting Coordinator shall also have direct access to all orders and pleadings on file in the case, including files under a Sealing Order of the Court.

T. Emergency Circumstances: The parenting coordinator is not available to respond to emergencies. The parties are ordered to direct urgent health matters to the appropriate physician or seek emergency room service. The parties are ordered to direct urgent mental health concerns to the appropriate therapist. If a child is in imminent danger of harm, parties shall contact law enforcement, the Department of Children and Family Services or other appropriate agency, not the Parenting Coordinator. The parties may notify the Parenting Coordinator after contacting the appropriate emergency service provider as specified herein.

U. The Parenting Coordinator shall provide Mark Felber, Director of the Parenting Coordinator Program with a copy of this order by email at [mfelber@cuyahogacounty.us](mailto:mfelber@cuyahogacounty.us).

IT IS SO ORDERED.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
John J. Ready (0040987)  
Parenting Coordinator

**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
CUYAHOGA COUNTY, OHIO**

\_\_\_\_\_,  
Plaintiff/ Petitioner

vs

\_\_\_\_\_,  
Defendant/ Petitioner

Case No. \_\_\_\_\_  
\_\_\_\_\_

**ORDER APPOINTING PARENTING  
COORDINATOR**

The Court hereby order Parenting Coordination on the Court's motion upon request of one party (mother/father) upon request of both parties to assist the parties in the implementation of their parental rights and responsibilities under the parenting order and co-parenting time order regarding the parenting of the following minor child(ren)

Name(s) of Child(ren)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Birth  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:**

**I. PARENTING COORDINATOR APPOINTMENT.**

The Court hereby appoint \_\_\_\_\_ to serve as the parenting coordinator for the minor child(ren) and the parties pursuant to Local Rule \_\_\_\_\_. The parenting coordinator can be reached at \_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_  
City/State/zip  
\_\_\_\_\_  
Telephone  
\_\_\_\_\_  
Email

**II. TERM OF APPOINTMENT.**

The above named parenting coordinator is appointed for a term of \_\_\_\_\_ month(s) ending on \_\_\_\_\_  
\_\_\_\_\_ date

**III. POWERS AND DUTIES OF THE PARENTING COORDINATOR.**

The parenting coordinator shall cooperate with authority in accordance with \_\_\_\_\_

Monitor the Court's order and to assist the parties in resolving disputes related to the order provided that the disputes do not involve \_\_\_\_\_

- Whether to grant, modify or terminate a protection order
- The term and condition of a protection order
- The penalty for violation of a protection order
- Change in the designation of the primary residential parent or legal custodian or
- Change to the primary placement of a child

Consult with outside source such as teacher, therapist, physician, attorney or either party, family member, etc. and review school record and reach to or review the record of individual(s) from the parties and/or child(ren) as a method \_\_\_\_\_

On request of the parenting coordinator, parties shall sign any and all necessary authorization to release records and information to the parenting coordinator from the following person(s) and source(s) \_\_\_\_\_

- Child(ren) current previous pediatrician, psychologist or mental health professional
- Child(ren) current previous teacher, school staff and administrator
- Hospital and medical record for the child(ren)
- Law enforcement agencies, personnel and records
- Custody evaluator
- Any other source(s) with information relevant to the child(ren)

Issue a written decision(s) when attempt to assist the parties to reach an agreement has failed on any of the following \_\_\_\_\_

- Occasional schedule adjustment(s) do not substantially alter the basic time share agreement
- Participation in parenting time or companion time by significant other, relative, etc.
- School placement
- Late time and method of pickup and delivery
- Minor or occasional adjustment in vacation or holiday schedule
- Transportation to and from parenting time
- Participation in childcare, daycare and babysitting
- School attendance and come or
- Bedtime schedule
- Quiet

- Purchase and wearing of child(ren) clothing, equipment and personal belongings including belongings and transporting of the same between households
- Child(ren) appearance and/or alteration of appearance including haircut, tattoo, ear-piercing or body piercing
- Sport, leisure and recreation
- Enrichment activities and summer camps
- Discipline
- Participation in routine at-home health care and hygiene
- Communication between the parties and between the parties and the child(ren)
- Health care management issues including choice of medical provider
- Child(ren) travel and passport issues
- Signing of appropriate releases from each party to provide access to confidential and privileged records including medical, psychological or psychiatric records of a party or the child(ren)
- Child(ren) participation in religious observance and religious education and
- Any other parenting issue that were not religiously addressed by the parties

Report to child protective services, law enforcement or other appropriate authority pursuant to the procedure set forth in R.C. \_\_\_\_\_ any suspected child abuse or neglect and any apparent serious risk of harm to a family member, relative, another family member or a third party

Interfere with the minor child(ren) privately in order to ascertain the child(ren) need as to the issue being discussed in conducting such an interview. The Parenting Coordinator shall avoid forcing a child to choose between the parties or otherwise putting a child in the middle of the parties' conflict

Interfere with member of the immediate family or extended family of a party and other relevant third parties reasonably deemed necessary by the parenting coordinator. The parties shall provide the Parenting coordinator with all necessary information to contact and communicate with the above mentioned person including phone number, mailing and residence address and email address

#### IV. CONFIDENTIALITY.

Communication between the parties and the parenting coordinator are not confidential. Therefore, written and oral communication, negotiation and statement made by the parties in the course of working together can and may be disclosed to other information provided by the parties either in discussion, or to the parenting coordinator and/or in writing by the parties. It will be considered by the parenting coordinator when making decisions and may be disclosed in either written decision

The parties are on notice that the parenting coordinator may disclose the following information

- The reasonable belief that a child is in need of protection
- Either party or another person in danger of bodily harm or
- The person learns of the intent to commit a felony

#### V. FEES AND EXPENSES

The parties shall be equally responsible for the parenting coordinator fee and any expense associated with the parenting coordination. The parenting coordinator will bill at the rate of \_\_\_\_\_ per hour and shall be paid by the parties within thirty (30) days of the date of the invoice.

**OR**

The Court has found that a disparity in income exists between the parties where the apportionment of the parenting coordinator fee and expense shall reflect each party's pro rata share of their combined income as specifically determined to be \_\_\_\_\_ to Mother and \_\_\_\_\_ to Father. The parenting coordinator will bill at the rate of \_\_\_\_\_ per hour and shall be paid by the parties within thirty (30) days of the date of the invoice.

The parenting coordinator shall be right to suspend all services until payment of any unpaid balance.

**VI. PARENTING COORDINATION TERMS AND CONDITIONS.**

**A. CONTACT WITH THE PARENTING COORDINATOR.**

The parenting coordinator will inform the parties of the method of communication that you need to use throughout the parenting coordination process. The parenting coordinator should not be contacted outside of the hours that they communicate to you unless the parenting coordinator specifically authorizes the parties in writing to call after hours and then only for the specific purpose allowed by the parenting coordinator. Any party who abuses the parenting coordinator's personal time may be sanctioned by the Court. Parties are in disagreement after normal business hours that the complaining party should refrain from contacting the parenting coordinator until the next business day following the incident.

Each party shall contact the parenting coordinator within ten (10) days of the date of the order to schedule the first appointment. The parenting coordinator shall determine the schedule for subsequent appointments. The parties may be held over the telephone in person or by any other means deemed appropriate by the parenting coordinator.

The parties are responsible for providing the parenting coordinator with all necessary information to stay in communication with them including all phone numbers, mailing and residence addresses and email addresses.

The parties shall provide the parenting coordinator with copies of all leading order and custody evaluation reports that relate to the issue to be brought to the parenting coordinator. The parenting coordinator shall also have direct access to all order and leading on file in the case including file under a Sealing order of the court.

**B. EMERGENCY CIRCUMSTANCES:**

The parenting coordinator is not available to respond to emergency direct urgent health matter to the appropriate physician or the emergency room services direct urgent mental health concern to the appropriate therapist or a child in imminent danger of harm. Parties shall contact law enforcement, the department of Children and Family Services or other appropriate agency not the Parenting coordinator.

**C. RECORD KEEPING:**

The parenting coordinator will maintain and written notes of the parenting coordination process in addition to print out of your electronic and regular mail communication. The records will be maintained in the parenting coordination file.

**D. PARENTING COORDINATOR DECISIONS:**

If the parties are unable to reach an agreement regarding a dispute, the parenting coordinator shall prepare a written decision which shall be effective immediately and be followed by the parties until otherwise ordered by the Court.

The decision shall set forth the reasons for the parenting coordinator's decision. Should either party object to the written decision, that party shall follow the procedure for filing objection set forth in Local Rule \_\_\_\_.

**E. SANCTIONS:**

The Court may impose sanctions for any violation of this order which may include but is not limited to attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the Court.

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**JUDGE**

**APPROVED:**

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**MAGISTRATE**

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Plaintiff/Petitioner \_\_\_\_

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Attorney for Plaintiff/Petitioner \_\_\_\_

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Defendant/Petitioner \_\_\_\_

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Attorney for Defendant/Petitioner \_\_\_\_

**COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
CUYAHOGA COUNTY, OHIO**

\_\_\_\_\_ : **Case No: DR** \_\_\_\_\_  
Defendant-01 : **Date:** \_\_\_\_\_  
- Vs. - : **Judge:** \_\_\_\_\_  
\_\_\_\_\_ :  
**STIPULATION AND  
AGREED JUDGMENT ENTRY  
TO APPOINT PARENTING COORDINATOR**  
:   
Defendant-02 :

The above-entitled matter came duly before the undersigned Magistrate to whom this matter was referred by the Honorable \_\_\_\_\_, Judge of the Cuyahoga County Common Pleas Court, Domestic Relations Division, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. Based on the stipulated agreement of the parties that a Parenting Coordinator is necessary, and the findings contained in this Order and based upon the file and prior proceedings herein, the Court hereby makes an appointment of a Parenting Coordinator under the following terms and conditions:

**I. FINDINGS**

- A. The parties have agreed that a Parenting Consultant (PC) is necessary to assist them in resolving disputes regarding their minor child(ren).
- B. The parties have agreed that the PC will be \_\_\_\_\_.
- C. The PC's address is \_\_\_\_\_  
\_\_\_\_\_.
- D. The PC's phone number is \_\_\_\_\_.

**II. DEFINITION**

- A. The parties wish to create an Alternative Dispute Resolution (ADR) process to assist them in the resolution of conflicts regarding their children. To that purpose, \_\_\_\_\_ is hereby appointed the PC for the parties under the following terms and conditions, and shall preside over this ADR proceeding.

- B. The PC is a person appointed by the Court after the agreement of the parties to assist them in the resolution of conflicts regarding their children.
- C. This dispute resolution process is not confidential.
- D. The PC does not provide therapy or legal advice.

### **III. TERM**

- A. The parties agree to have the PC for:
  - 1. A term of \_\_\_\_\_; or
  - 2. Until child(ren)'s emancipation; or
  - 3. Other mutual agreement of the parties.
- B. The PC retains the discretion to terminate service at any time for any reason.
- C. If a different PC is needed because the selected one is unavailable, does not agree to serve, or is removed by written agreement of the parties, a new PC shall be named by mutual agreement of the parties or by obtaining a list of five (5) qualified persons from the present PC and alternately striking names. \_\_\_\_\_ shall strike the first name. The parties may jointly agree on another selection method if both are in agreement.

### **IV. DUTIES AND RESPONSIBILITIES**

- A. The PC shall have the duty and responsibility to assist the parties in resolving all child-related issues submitted for resolution, except for those issues specifically excluded by this item.
- B. The PC is prohibited from addressing spousal support, child support and modifying the designation of "residential parent and legal custodian" or other physical or legal "custody" labels, unless the parties agree, in writing, that the PC may address such issues and the PC agrees to address such issues. Said writing must be filed with the Court as a Stipulation and Agreed Judgment Entry.

### **V. ROLE OF PARENTING COORDINATOR**

- A. The PC shall:
  - 1. recommend to the parents strategies for enforcing any parenting plan and contact/parenting time/visitation schedule, for minimizing child-related conflicts between the parents, and for eliminating unproductive or harmful behavior patterns by one or both parents;

2. assist the parents in implementing any voluntary or court-ordered plan or schedule so that the child(ren) have continuous and consistent contact with both parents.
3. educate parents on how to effectively:
  - a. communicate and negotiate;
  - b. develop and apply parenting skills
  - c. meet the developmental needs of their child(ren)
  - d. engage from each other when engagement leads to conflict;
  - e. keep their child(ren) out of the middle of their adult disagreements;
  - f. and identify the sources of their conflict with one another and work jointly to minimize conflict and lessen its deleterious effects on their child(ren).

## **V. SCOPE OF AUTHORITY**

- A. The PC shall have authority to perform the following, which are meant to be inclusive, but not limiting:
  1. Authorize “trading” of time with the children where one party requests and the other party declines;
  2. Award compensatory time to one parent because the other parent did not permit the children to be with the parent who had custodial or access rights under the existing court order, or prior decision of a PC;
  3. Interpret ambiguities or unclear provisions in the parties’ stipulations and/or court orders;
  4. Decide parenting issues that were not contemplated by the parties when they addressed parenting issues in previous stipulations or are not addressed by an existing court order or prior decision of the PC;
  5. Decide allocation of fees and expenses related to parenting issues (such as fees for extracurricular and enrichment activities, but excluding child support) that were not determined by a court order or prior decision of a PC;
  6. Decide alterations in the parenting access schedule, including transportation, and method of pick-up and delivery;
  7. Decide revisions to previously decided parenting issues as needed to meet changing circumstances;
  8. Decide the holiday and vacation access schedule between the parties and the minor children to the extent the holidays and specific vacation dates have not been determined by a court order, prior decision of a PC, or are no longer workable due to a change in circumstances;
  9. Decide school attendance, child care/day care/babysitting, activity, vacation and summer camp issues, including dates and times for the same, to the extent the specific vacation dates have not been determined by a court order, prior decision of a PC, or are no longer workable due to a change in circumstances;
  10. Decide the appropriate school placement for the child(ren);

11. Consult with outside sources, such as teachers, therapists, physicians, attorney for either party, family members, etc., and review school records and speak to, or review records of, therapists with whom the individual and/or child(ren) have met;
  12. Require independent evaluations and psychological testing of the parties and/or child(ren) if the PC determines it would be helpful to the resolution of problems;
  13. Communicate, obtain and/or provide information with any person without the necessity of securing a release from the parties;
  14. Decide issues with input from only one party, where the other party has failed to participate in the decision making process; and,
  16. Make recommendations, memorialize agreements and make decisions, including the authority to impose consequences for non-compliance.
- B. The PC shall also have the authority to order the parties and/or the child(ren) to participate in adjunct services, including physical or psychological examinations and assessments, anger management, co-parenting counseling, individual psychotherapy, parenting classes, random drug and alcohol screening, alcohol and domestic violence counseling, and drug or alcohol rehabilitation counseling, and select the therapist, if therapy or professional services would be helpful in the resolution of the problems or assist the child(ren).
- C. In addition, the PC shall have authority to:
- 
- 
- 
- D. The PC may require that the parties enter into a safe harbor agreement with a mental health provider before beginning services, as provided in item X below (“Safe Harbor”).

**VI. PROCESS FOR REQUESTING ASSISTANCE FROM PC**

- A. The parties shall provide copies of all pleadings, orders and correspondence which relate to the issue to be brought to the PC. All court orders relating to the issues which are in the scope of the PC’s authority shall initially be provided to the PC within 10 calendar days of the date this order is filed. Any party may initiate contact in writing with the PC, provided that copies are provided to the other party, concurrently.
- B. The parties shall first attempt to resolve the issues themselves before requesting assistance from the PC.
- C. The parties shall participate in good faith in the dispute resolution process defined by the PC and shall be present when so requested by the PC.

- D. Upon notification by a party that there is an issue in controversy, the PC will meet with the parties by telephone, in person, or by other means as determined appropriate by the PC, to discuss the issue in controversy. The PC will review all appropriate information relating to the issue in controversy, including, but not limited to, any existing and prior court Orders and any agreements of the parties.
- E. The PC may meet and communicate with the child(ren) as the PC deems appropriate.
- F. The PC may interview all members of the immediate or extended family of all parties.
- G. The PC may interview and request the participation of other person whom the PC deems to have relevant information or to be useful participants, either in person or by telephone.
- H. The PC may have access to the following records and information and the parties hereby consent to the release of records and information to the PC from the following person(s) and sources:
- Child(ren)'s current/previous pediatricians, psychologists or mental health professionals
  - Child(ren)s' current/previous teachers, school staff and administrators
  - Hospital and medical records for the children
  - Child(ren)s current /previous daycare/preschool providers
  - Law enforcement agencies, personnel and records
  - Custody evaluators
  - Mediators (if mediation was non-confidential or prior PCs.
- I. The PC shall have the authority to speak with either party's therapist, psychiatrist and with any of the children's medical/health care providers if the PC deems it within the authority granted to her/him in this Stipulation and Agreed Judgment Entry. There shall be no waiver of the patient-physician or patient-therapist privilege as a result of any physician or therapist communication with the PC. The physician or therapist cannot be compelled to testify as a result of communication with the PC.
- J. Both parties shall participate in the dispute-resolution process defined by the PC in accordance with the principles of due process. The process will include, at a minimum, the opportunity for each to express his or her opinion. In the event a party does not attend a meeting or otherwise fails to respond in a timely manner, the PC may deem the party's participation waived. The PC may also proceed by joint or individual in-person meetings, telephone, written correspondence or other means determined appropriate by the PC as the situation warrants. Meetings will be scheduled at mutually convenient times but will take place during normal business hours, unless the PC deems otherwise. If a party fails to provide input

into a decision of the PC after a reasonable period of time following a request for input, the PC may resolve this issue in controversy without input from that parent.

- K. The PC shall determine the protocol of all interviews, sessions, and meetings, including determining who attends such meetings.
- L. Once a PC has agreed to make a decision about an issue, the decision shall be made promptly. All decisions of the PC shall be made in writing. Decisions of the PC are by their very nature often made in circumstances involving time constraints, and possibly emergencies; therefore, these decisions may, initially, be made orally, but must be communicated to both parties and subsequently documented in writing. These decisions are binding when made.

## **VII. DUTIES OF PARTIES**

- A. Both parties shall cooperate in good faith to resolve the matter(s) in dispute with the assistance of the PC.
- B. To the extent a release is required by any non-party to disclose information to the PC, both parties shall sign all releases necessary for the PC to access any information the PC deems necessary.
- C. The parties agree to abide by all decisions that are made by the PC, unless modified by subsequent court order, including during periods in which a motion is pending before the court.
- D. It is the responsibility of the parents to provide the PC with all necessary information to stay in communication with them, including all phone numbers in order of priority for communication; mailing addresses; residence; and priority e-mail address.
- E. The PC may consult with other professionals as necessary to conduct their duties. The parents shall execute all necessary authorizations to permit such communication without limitation.
- F. The PC may interview all members of the immediate or extended family of all parties, and other relevant third parties reasonably deemed necessary by the PC. The parents shall provide the PC with all necessary information to contact and communicate with them, including all phone numbers in order of priority for communication; mailing addresses; residence; and priority e-mail address.
- G. The parents shall not contact the PC outside normal working hours unless the matter constitutes a genuine emergency.

- H. If one or both of the parties disagree with the decision of the PC, the party in disagreement with a decision of the PC shall bring a motion to contest the PC's decision.
  - 1. The motion must be filed with the Court within fourteen (14) days of receiving the written decision.
  - 2. The PC shall receive all pleadings at the time of filing.
  - 3. Failure to timely file a motion is a waiver of objection.

## **VIII. PAYMENT OF FEES**

- A. The parties agree to pay the fees and retainer as required by the PC fee agreement.
- B. Initially, each parent shall be responsible for paying one-half of the costs associated with use of the PC, and shall promptly pay his or her one-half share of any bill submitted by the PC.
- C. It is within the discretion of the PC to allocate fees and costs differently if the PC determines that one party has unreasonably contributed to the costs or abused the process. The PC may allocate the fees, costs and retainer in a manner different than described above when the PC deems appropriate.
- D. The PC reserves the right to suspend all services, including provision of any written documentation, until payment of any unpaid balance and required retainer is made.
- E.. Objections to fees or any costs billed by the PC shall be made in writing within thirty (30) days of receipt, or the billing is deemed accepted.
- F.. In the event one party does not pay his or her share of the fees, costs and retainer, the other party may pay the full fees, costs and retainer requested and file a motion with the Court seeking reimbursement for the non-complying party's share of the fees, costs and retainer.
- G. It is understood that despite the fact that the PC may make decisions or orders in favor of one party, both parties will continue to be responsible for the payment of fees associated with such services.
- H. The Court retains jurisdiction to reallocate and to enforce payment of unpaid PC fees, costs and retainer by adjudications of indirect civil contempt of court or indirect criminal contempt of court upon a motion brought by the PC, following joinder of the PC as a party.

## **IX. CONFIDENTIALITY AND PRIVILEGE**

- A. This ADR process is not confidential.

- B. There is no privilege accorded to the PC pursuant to law. No-physician patient, therapist-patient relationship, attorney-client relationship and/or privilege is created by this Stipulation and Agreed Judgment Entry or any fee agreement.
- C. All communications with the parties and others with whom the PC has conferred or discussed the case are subject to disclosure, with the exception of the communications identified in item X (“Safe Harbor”) below.
- D. Statements made to the PC by the attorneys and/or parties may lose the protection of the attorney-client privilege.
- E. Licensed mental health professionals providing services as a PC are mandated to report any:
  - 1. Suspected maltreatment or abuse of children; and,
  - 2. Suspected maltreatment or abuse of vulnerable adults.
- F. Licensed mental health professionals also have a “Duty to warn” as defined by the Ohio Revised Code.
- G. An attorney PC is a mandated reporter of child maltreatment.

#### **X. SAFE HARBOR**

- A. If the child(ren) are receiving mental health services, the PC may seek information from his/her/their mental health provider(s).
- B. In order to preserve the safety and confidentiality of the child(ren)’s therapeutic environment, it is essential that the child(ren) feel free to speak openly with his/her/their therapist(s) without fear of their statements being disclosed, so that the therapist’s office may serve as a “safe harbor” for the child(ren).
- C. Information obtained by the PC which he or she determines is or could be harmful to the child(ren) or their relationship with a treating professional or parent may be, within the discretion of the PC, made unavailable to a parent or counsel for a parent.
- D. Any information given to the PC by (a) mental health provider(s) for the child(ren) will be maintained as confidential by the PC.
- E. Any documents containing information provided by (a) mental health professional(s) treating the child(ren) shall be kept in a file separate from the PC file.

- F. Neither parent shall, nor will either parent permit his or her attorney to, subpoena the information contained in this separate file.
- G. Any party (or his or her attorney) who seeks to interrogate the PC about or to subpoena the information in this separate file, shall be liable for all attorney fees and costs incurred to respond to such requests or to quash a subpoena.
- H. If the PC makes a decision based on input from the therapist(s), the PC reserves the right to document this decision stating only “I have decided this based on input from the child(ren)’s therapist,” without further explanation.
- I. On motion of either parent the information made unavailable to the parents shall be presented to the court for an *in camera* review with explanation of risk of harm.

#### **XI. LEGAL PROCEEDINGS**

- A. The PC shall not be precluded from participation as a witness or collateral contact in a custody or parenting time proceeding involving either party. Both parties may, upon making payment as provided by the law and rules of Court pertaining to experts, use the PC as a collateral resource and/or call the PC as a witness to testify in any proceeding involving the child(ren) or the subject matter of the PC’s work with the parties.
- B. The PC is not a party to the proceedings, except if joined for the purpose of collecting fees.
- C. The PC does not communicate with the Court except by subpoena or court order.

#### **XIII. JUDICIAL REVIEW BY THE COURT AND/OR APPEALS**

- A. The procedure below shall be followed and neither of the parties may apply to the Court for relief from the decision of the PC, except as provided below and in item VII(G).
- B. If one or both of the parties disagree with the decision of the PC, the party in disagreement with a decision of the PC shall bring a motion to contest the PC’s decision.
  - 1. The motion must be filed with the Court within fourteen (14) days of receiving the written decision.
  - 2. The PC shall receive all pleadings at the time of filing.
  - 3. Failure to timely file a motion is a waiver of objection.

- C. Any claims filed in court arising from the parties' work with the PC, including, but not limited to, fee disputes, shall be raised in the file under which the Order was made.
- D. Parties agree that the Court shall review the decisions of the PC using the "abuse of discretion" standard.

#### **XIV. NOTICE TO PC**

- A. The attorneys, or parties if there are no attorneys, shall provide the PC with a journalized copy of this Stipulation and Agreed Judgment Entry.

#### **XV. APPOINTMENT CONTINGENCY**

- A. The appointment of the PC is contingent upon the execution of the PC's fee agreement and subsequent filing of the fee agreement with the Court. This appointment is not final until the fee agreement is attached as an Exhibit to this Stipulation and Agreed Judgment Entry.

#### **XVI. GRIEVANCES**

- A. Complaints or grievances from any party regarding the performance, actions or billing of the PC shall be dealt with according to the following procedure:
  - 1. A person having a complaint or grievance regarding the PC must discuss the matter with the PC in person before pursuing it in any other manner.
  - 2. If after discussion, the party decides to pursue a complaint, he/she must then submit a written letter detailing the complaint or grievance to the PC with a copy to all other counsel or party.
  - 3. The PC will then provide a written response to the grievance to the party and all counsel or parties within 30 days of the written complaint or grievance.
  - 4. If the written response does not settle the complaint or grievance, then the PC shall meet with the complaining party and his/her attorney to discuss the matter.
  - 5. If the grievance or complaint is not resolved after this meeting, the complaining party may proceed by noticed motion to the court addressing the issues raised in the complaint or grievance
- B. Neither party may initiate court proceedings for a complaint or grievance regarding the PC without following the above procedure. Failure to comply with this procedure will result in sanctions by the Court.
- C. The Court shall reserve jurisdiction to determine if either or both parties and/or the PC shall ultimately be responsible for any portion or all of the PC's time and costs spent in responding to the grievance and the PC's attorney fees, if any.

- D. Neither party shall complain about the PC to the PC’s licensing board without complying with these grievance procedures.
- E. The PC is an officer of the Court and therefore has quasi-judicial immunity as that afforded to an appointed Guardian ad Litem. The PC cannot be sued based on his/her actions in this matter. In the event that the PC testifies in a proceeding before the Court, such testimony shall not serve as a waiver of the PC’s quasi-judicial immunity.

**STIPULATION**

The parties and their counsel stipulate their intent that the Court sign and enter the above Stipulation as its Order.

**IT IS SO STIPULATED:**

**APPROVED AS TO FORM AND CONTENT:**

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 PLAINTIFF/PETITIONER-01

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 ATTORNEY FOR PLAINTIFF/PETITIONER-01

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 DEFENDANT/PETITIONER-02

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 ATTORNEY FOR DEFENDANT/PETITIONER-02

**PARENTING COORDINATOR’S AGREEMENT:**

I, \_\_\_\_\_, PC herein, agrees to said appointment and agrees to the terms of this order.

Dates: \_\_\_\_\_  
 \_\_\_\_\_  
 PARENTING COORDINATOR

**ORDER**

The Court, having reviewed the Stipulation herein of the parties and finding the same to be fair and equitable and in the best interests of the minor children of the parties, and thereafter beng fully advised in the premises, does hereby enter the Stipulation of the parties to appoint a Parenting Coordinator as its Order. The parties are ordered to comply therewith.

**IT IS SO ORDERED.**

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MAGISTRATE

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JUDGE



**FRANKLIN COUNTY**  
**Court of Common Pleas**  
 Division of Domestic Relations  
 and Juvenile Branch

Language English

Search

Judiciary Administration Probation Detention Services FAQ



## Local Rules

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## Domestic Court Rules

Select a Rule : 42. Parenting Coordination

**(A) Introduction/Purpose**

This rule allows for the earliest possible resolution of disputes related to parental rights and responsibilities or companionship time orders.

**(B) Definitions**

As used in this rule:

- (1) "Domestic abuse" means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.
- (2) "Domestic violence" has the same meaning as in R.C. 3113.31(A)(1).
- (3) "Parenting coordination" means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. "Parenting coordination" is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.
- (4) "Parenting coordinator" means an individual appointed by the Court to conduct parenting coordination.

**(C) Scope**

At any point after a parental rights and responsibilities or companionship time order is filed, the Court may order parenting coordination except to determine the following:

- (1) Whether to grant, modify, or terminate a protection order;
- (2) The terms and conditions of a protection order;
- (3) The penalty for violation of a protection order;
- (4) Changes in the designation of the primary residential parent or legal guardian;
- (5) Changes in the primary placement of a child.

**(D) Appointment****(1) Reasons for Ordering Parenting Coordination**

The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:

- (a) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- (b) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- (c) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- (d) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- (e) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
- (f) Any other factor as determined by the Court.

**(2) Parenting Coordinator Qualifications**

The Court may appoint an individual as a parenting coordinator who meets all of the following qualifications:

- (a) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
- (b) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such

other equivalent experience satisfactory to the Court;

- (c) Has completed the following training approved by the Dispute Resolution Section of the Supreme Court:
- (i) At least twelve hours of basic mediation training;
  - (ii) At least forty hours of specialized family or divorce mediation training;
  - (iii) At least fourteen hours of specialized training in domestic abuse and dispute resolution;
  - (iv) At least twelve hours of specialized training in parenting coordination.

### **(3) Parenting Coordinator Continuing Education**

To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court.

### **(4) Parenting Coordinator Appointment Order**

The Court's appointment order shall set forth all of the following:

- (a) The name of the parenting coordinator and any contact information the Court may choose to include;
- (b) The specific powers and duties of the parenting coordinator;
- (c) The term of the appointment;
- (d) The scope of confidentiality;
- (e) The parties' responsibility for initial deposit, fees, and expenses for services rendered by the parenting coordinator; and
- (f) Parenting coordination terms and conditions.

### **(5) Selection of Parenting Coordinator for Appointment**

The parenting coordinator who meets the qualifications in division (D)(2) of this rule and, if applicable division (D)(3), shall be selected using one of the following:

- (a) Random selection by the Court from the Court's roster of parenting coordinators;
- (b) Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator; or
- (c) Parties select a parenting coordinator from the Court's roster of parenting Coordinators.

### **(6) Prohibited Parenting Coordinator Appointments**

The Court shall not appoint a parenting coordinator who does not possess the qualifications in division (D)(2) of this rule and, if applicable division (D)(3), or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party. Parties may not waive this prohibition.

### **(7) Appointment of Mediator as Parenting Coordinator**

With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.

### **(8) Termination or Modification of Parenting Coordinator Appointment**

Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

## **(E) Parenting Coordinator Responsibilities**

#### **(1) Ability to perform duties**

A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

#### **(2) Compliance with appointment order**

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.

#### **(3) Independence, objectivity, and impartiality**

A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

#### **(4) Conflicts of interest**

- (a) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

(b) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court.

**(5) Ex parte communications**

A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

**(6) Legal advice**

A parenting coordinator shall not offer legal advice.

**(7) Reporting**

(a) A parenting coordinator shall submit a resume to the Court documenting compliance with division (D)(2); provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number, and electronic mail address contained in the resume.

(b) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division (D)(3), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

**(F) Parenting Coordination Procedures**

**(1) Screening for and disclosure of domestic abuse and domestic violence**

(a) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and during the parenting coordination process.

(b) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.

(c) When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:

(i) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;

(ii) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;

(iii) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

**(2) Disclosure of abuse, neglect, and harm**

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

**(3) Attendance and participation**

(a) Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.

(b) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties.

**(4) Referrals to support services**

A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses or education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.

**(5) Parenting coordination agreements, reports, and decisions**

(a) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.

(b) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:

(i) Dates of parenting coordination session(s);

(ii) Whether the parenting coordination session(s) occurred or was terminated;

(iii) Requests to reschedule a parenting coordination session(s), including the name of the requestor and whether the request was approved;

(iv) Whether an agreement was reached on some, all, or none of the issues;

(v) Who was in attendance at each session(s);

(vi) The date and time of a future parenting coordination session(s);

(vii) Whether any decisions were written and if so, the date(s);

- (c) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:
  - (i) Case caption, including the case number;
  - (ii) Date of the decision;
  - (iii) The decision of the parenting coordinator;
  - (iv) Facts of the dispute and facts upon which the decision is based;
  - (v) Reasons supporting the decision;
  - (vi) The manner in which the decision was provided to the parties;
  - (vii) Any other necessary information.
- (d) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A magistrate shall issue a ruling on the objections within thirty days from the date of the last objection filed.

## **(6) Parenting coordinator evaluations and complaints**

- (a) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.
- (b) The Court shall complete a review of the parenting coordinators on the Court's roster in January of each year.
- (c) A party to a case appointed to parenting coordination may submit a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Administrative Magistrate, and include all of the following:
  - (i) The case caption and case number;
  - (ii) The name of the parenting coordinator;
  - (iii) The name and contact information for the person making the complaint;
  - (iv) The nature of any alleged misconduct or violation;
  - (v) The date the alleged misconduct or violation occurred;
- (d) The Administrative Magistrate shall provide a copy of the complaint to the parenting coordinator;
- (e) The parenting coordinator has fourteen days from the date of the receipt of the complaint to respond in writing to Administrative Magistrate.
- (f) The Administrative Magistrate shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint was received.

## **(7) Fees and Deposit**

A parenting coordinator shall notify the court of the hourly rate for their services, which will be displayed on the court's roster of parenting coordinators. The court shall require the parties to post a deposit to secure the fees of the parenting coordinator and shall apportion the fees of the parenting coordinator between the respective parties. The total deposit shall be at least \$800.00 unless otherwise agreed upon by the parenting coordinator. All fees shall be determined by the Court and included in the appointment order. A parenting coordinator may be appointed pro bono or a portion of the fees may be waived if the court determines a coordinator is necessary and that the parties are indigent.

## **(8) Stay of Proceedings**

Unless otherwise provided by court order, referral of a case to parenting coordination stays a case until further notice. No party, or their attorney, shall file any documents while a case is in parenting coordination and the Clerk of Court shall do their best to refuse for filing any documents while a case is in parenting coordination with the following exceptions:

- (a) A parenting coordinator decision
- (b) An objection to a parenting coordinator's decision;
- (c) A motion to lift the stay;
- (d) A response to a motion to lift the stay;
- (e) An application to dismiss the case;
- (f) A notice related to counsel;
- (g) A motion for changes in the designation of the primary residential parent or legal guardian;
- (h) A motion for changes in the primary placement of a child;

## **(G) Confidentiality and Privilege**

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

## **(H) Public Access**

The files maintained by a parenting coordinator but not filed with the Clerk of Court or submitted

to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

**(I) Model Standards**

The Court and a parenting coordinator shall comply with the "Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the "Guidelines for Parenting Coordination" and this rule, this rule shall control.

**(J) Court Reporting Requirements**

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court all of the following:

- (1) A copy of this rule;
- (2) A copy of the Court's current roster of parenting coordinators;
- (3) A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year; and
- (4) A copy of each list of continuing education training received by the Court from each parenting coordinator.

**(K) Sanctions**

The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.

(Effective 9/15/15)

**Franklin County Court of Common Pleas Domestic Relations and Juvenile Division**

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## Hamilton County Parenting Coordination Local Rule

### **2.11 PARENTING COORDINATION - NEW 01/01/2016**

#### **Definitions:**

“Parenting coordination” is a court ordered child-focused dispute resolution process established to assist parties in implementing a parental rights and responsibilities order or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making.

“Parenting coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16.

“Parenting coordinator” means a court ordered individual who conducts parenting coordination. The parenting coordinator may work in the community or in-court.

#### **Scope:**

At any point after a parental rights and responsibilities order or companionship time order is filed, the Court may order parenting coordination except to determine the following:

- (A) Whether to grant, modify, or terminate a protection order;
- (B) The terms and conditions of a protection order;
- (C) The penalty for violation of a protection order;
- (D) Changes in the designation of the primary residential parent or legal guardian;
- (E) Changes in the primary placement of a child.

#### **Appointment and Qualifications:**

##### **(A) Reasons for Ordering Parenting Coordination**

The Court may order parenting coordination, sua sponte or upon written motion by one or both parties, when one or more of the following factors are present:

1. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
2. There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which the child/children of the parties is adversely affected;
3. The parties have a child/children whose parenting time schedule requires frequent adjustments, specified in an Order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without Court intervention;
4. The parties have a child/children with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time

schedule, specified in an Order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without Court intervention;

5. One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
6. Any other factor the Court determines.

### **(B) Parenting Coordinator Qualifications**

The Court shall appoint an individual as a parenting coordinator who meets all of the following qualifications:

1. A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
2. At least two years of significant professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
3. Has completed the following training approved by the Dispute Resolution Section of the Supreme Court of Ohio:
  - (a) At least twelve hours of basic mediation training;
  - (b) At least forty hours of specialized family or divorce mediation training;
  - (c) At least fourteen hours of specialized training in domestic abuse and dispute resolution;
  - (d) At least twelve hours of specialized training in parenting coordination;
4. Community parenting coordinators must complete and submit the Application For The Parenting Coordinator Appointment List (DR 2.50) to the Director of the Dispute Resolution Department. The application shall be accompanied by a resume stating the applicant's training, experience and expertise demonstrating compliance with this local rule and the applicant's ability to successfully perform the duties and responsibilities of the parenting coordinator. The applicant's Background Disclosure Statement (DR 2.51) and proof of malpractice insurance shall also be included;
5. Community parenting coordinators must complete an orientation through the Court. Further, the Court may require an assigned mentor as deemed necessary;
6. Continuing Education: To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Supreme Court of Ohio;
7. If the Court appoints a community parenting coordinator on a case for which the parenting coordinator was paid, the parenting coordinator must agree to accept at least one reduced fee assignment per year. If a parenting coordinator refuses the Court's assignment of one reduced fee case a year, the Court may remove the parenting coordinator from the list of eligible parenting coordinators;

8. Reporting and Review:

1. A parenting coordinator shall provide an updated resume to the Director of the Dispute Resolution Department with any substantive changes and shall notify the Director of any changes to name, address, telephone number and, if available, electronic mail address contained in the resume;
2. On or before January 1st of each year, a parenting coordinator shall certify that he/she is unaware of any circumstances that would disqualify him/her from serving and shall report to the Court a list of all continuing education training completed during the previous year pursuant to this local rule, including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency;
3. The Court shall conduct an annual review of each parenting coordinator's qualifications each January and shall remove from the Court's list those parenting coordinators who are no longer qualified.

**(C) Parenting Coordinator Appointment Order**

The Court's appointment order shall set forth all of the following:

1. The name of the parenting coordinator and any contact information the Court may choose to include;
2. The specific powers and duties of the parenting coordinator;
3. The term of the appointment;
4. The scope of confidentiality;
5. The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;
6. Parenting coordination terms and conditions.

**(D) Selection of Parenting Coordinator for Appointment**

The parenting coordinator who meets the qualifications in this local rule shall be selected using one of the following:

1. Court employee;
2. Random selection from the Court's roster of parenting coordinators;
3. Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
4. Parties select a parenting coordinator from the Court's roster of parenting coordinators.

If a party objects to the appointment of a particular parenting coordinator, the party shall file a motion supported with an affidavit that states the objections with specificity. The Court will conduct a hearing.

**(E) Prohibited Parenting Coordinator Appointments**

The Court shall not appoint a parenting coordinator who does not possess the qualifications in this local rule, or who has served or is serving in a role that creates a professional conflict including, but not limited to: a child's attorney or child advocate; guardian ad litem; custody evaluator;

therapist, consultant, coach, or other mental health role to any family member; mediator; or attorney for either party.

Parties shall not waive this prohibition.

**(F) Termination or Modification of Parenting Coordinator Appointment**

Upon motion of a party, for good cause shown, or at the parenting coordinator's request, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

**Parenting Coordinator Responsibilities:**

**(A) Ability to perform duties**

A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

**(B) Compliance with appointment order**

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.

**(C) Independence, objectivity, and impartiality**

A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

**(D) Conflicts of interest**

1. A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.
2. Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court.

**(E) Ex parte communications**

A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

**(F) Legal advice**

A parenting coordinator shall not offer legal advice.

## **Parenting Coordination Procedures:**

### **(A) Screening for and disclosure of domestic abuse and domestic violence**

1. The parenting coordinator shall screen all cases for domestic abuse and domestic violence before the commencement of the parenting coordination process and during the parenting coordination process.
2. All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
3. When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:
  1. Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
  2. Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
  3. Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

### **(B) Disclosure of abuse, neglect, and harm**

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

### **(C) Attendance and participation**

1. Parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order. Parties shall attend parenting coordination sessions as requested by the parenting coordinator. The parenting coordinator has the authority to approve or to disapprove any request to reschedule parenting coordination sessions.
2. A parenting coordinator shall allow attendance and participation of the parties and, if the parties request, their attorneys and any other individuals the parties designate. A party shall notify the parenting coordinator at least one week before the session should a party want his/her attorney or other designated individual to attend.
3. Parties shall notify the parenting coordinator and the Court of any changes to address, telephone number, and electronic mail address.

4. The parenting coordinator may notify the Court of noncompliance and request that sanctions be levied against offending parties.

**(D) Referrals to support services**

A parenting coordinator may provide to the parties information regarding appropriate referrals to community resources, such as legal counsel, counseling, parenting courses or education.

The parenting coordinator shall provide necessary support services to the parties concerning victims and suspected victims of domestic abuse and domestic violence.

**(E) Parenting coordination agreements, reports, and decisions**

1. Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordinator's file. The parenting coordinator shall provide a copy to each party and their attorneys, if applicable.
2. Every six months, unless otherwise determined by the Court, the parenting coordinator shall prepare a written report for a status conference with the assigned Judge or Magistrate, parties, and attorneys, if applicable. The report shall not be filed with the Clerk of Courts, but shall be available for inspection no less than seven days before the status conference. The report shall include, but is not limited to, all of the following:
  1. Dates of parenting coordination sessions;
  2. Whether a parenting coordination session occurred or was terminated;
  3. Requests to reschedule a parenting coordination session, including the name of the requestor and whether the request was approved;
  4. Whether an agreement was reached on some, all, or none of the issues during a session;
  5. Who was in attendance at each session;
  6. The date and time of a future parenting coordination session;
  7. Whether any decisions were written and, if so, the dates.
3. The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately and remains effective unless ordered otherwise by the Court. The parenting coordinator shall provide copies to the parties and their attorneys, if applicable. The decision shall be immediately filed with the Clerk of Court pursuant to the Ohio Rules of Civil Procedure Rule 4 to 4.6. The decision shall include all of the following:
  1. Case caption, including the case number;
  2. Date of the decision;

3. The decision of the parenting coordinator
4. Facts of the dispute and facts upon which the decision is based;
5. Reasons supporting the decision;
6. The manner in which the decision was provided to the parties;
7. Any other necessary information;
4. A party may file written objections to a parenting coordinator's decision with the Clerk of Court and serve all other parties to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Clerk of Court and serve all other parties to the action, not later than ten days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling.

**(F) Parenting coordinator evaluations and complaints**

1. A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation (DR 2.52) prior to the first parenting coordination session and at the end of the term of the appointment.
2. The Director of the Dispute Resolution Department shall complete a review of the parenting coordinators on the Court's roster in January of each year.
3. A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Director of the Dispute Resolution Department, and include all of the following:
  - (a) The case caption and case number;
  - (b) The name of the parenting coordinator;
  - (c) The name and contact information for the person making the complaint;
  - (d) The nature of any alleged misconduct or violation;
  - (e) The date the alleged misconduct or violation occurred.
4. The Director of the Dispute Resolution Department shall provide a copy of the complaint to the parenting coordinator.
5. The parenting coordinator has fourteen days from the date of the receipt of the complaint to respond in writing to the Director of the Dispute Resolution Department.
6. The Director of the Dispute Resolution Department shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint was received.
7. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.

### **(G) Fees**

1. Compensation shall be at the rate of one hundred and seventy-five dollars (\$175.00) per hour for the billable time of an in-court parenting coordinator unless otherwise ordered by the Court. The Court shall determine all fees in the appointment order.
2. Fees for the billable time of an in-court parenting coordinator may be waived for indigent parties with a verified Poverty Affidavit.
3. The Court shall order the payment of a minimum deposit of one thousand, seven hundred fifty dollars (\$1,750.00) with the Clerk of Courts, to be used to pay for in-court parenting coordination services. In-court parenting coordination services exceeding the initial deposit may require additional compensation. The Court, without oral hearing, upon filing of a motion and affidavit by the in-court parenting coordinator, may order subsequent deposit(s).
4. In-court parenting coordinators shall submit a monthly billing statement to the parties and shall maintain a copy for review by the Court.
5. Compensation for the billable time of a community parenting coordinator must be agreed upon by the community parenting coordinator and the parties. A community parenting coordinator must submit information regarding his/her fee structure to the Court for inclusion on the Court's roster of parenting coordinators.

### **(H) Stay of Proceeding**

Unless otherwise provided by court order, referral of a case to parenting coordination stays a case until further notice. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:

1. An objection to a parenting coordinator's decision;
2. A motion to lift the stay;
3. A response to a motion to lift the stay;
4. An application to dismiss the case
5. A notice related to counsel;
6. A motion for changes in the designation of the primary residential parent or legal guardian;
7. A motion for changes in the primary placement of a child;
8. A motion regarding matters unrelated to the issues referred to the parenting coordinator.

### **(I) Access to Court Proceedings and Documents**

The parenting coordinator shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case.

### **(J) Release of Records**

The parties shall allow the parenting coordinator access to any records that the parenting coordinator deems necessary to adequately perform his/her role. Upon request of the parenting coordinator, parties shall sign any and all necessary authorizations to release records and information to the parenting coordinator.

**Confidentiality and Privilege:**

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

**Public Access:**

The files maintained by a parenting coordinator, not filed with the Clerk of Court or submitted to the Court, shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

*Model Standards:*

The Court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the “Guidelines for Parenting Coordination” and this rule, this rule shall control.

**Court Reporting Requirements:**

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all of the following:

- (A) A copy of this rule;
- (B) A copy of the Court’s current roster of parenting coordinators;
- (C) A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;
- (D) A copy of each list of continuing education training received by the Court from each parenting coordinator.

**Sanctions:**

Any party who violates these rules may be subject to sanctions, including but not limited to, additional fees, forfeiture of paid fees, contempt of court, attorney fees, or costs. The parenting coordinator may recommend sanctions to the Court

- (G) If the parties choose, and pursuant to the UMA, they may have their attorney and/or such other support person or persons attend the mediation session. However, the mediator shall have the right not to conduct the mediation session if a party insists upon bringing a person to the session that the mediator believes is inappropriate or would harm the process. The mediator shall also have the right to require the attendance of the attorneys at the session if the mediator determines it is appropriate and necessary for the process.

## **CHAPTER 21 – PARENTING COORDINATOR**

### **JR 21.1**

- (A) In cases in which the parents have agreed to have access to a decision-making authority without incurring the various burdens and costs associated with litigation and the Court determines that one or more of the following factors is present, the Court may appoint a Parenting Coordinator:
- (1) The parents have serious on-going disagreements about the implementation of an order for the allocation of parental rights and responsibilities and/or parenting time and will need ongoing assistance;
  - (2) There is a history of extreme or ongoing parental conflict which has been undeterred by previous litigation and other interventions and from which the child(ren) are suffering;
  - (3) The parents have very young child(ren) whose parenting time schedule will require frequent adjustment to maintain age-appropriate contact with both parents and the parents have been previously unable to reach agreements on their parenting time schedule without court intervention;
  - (4) The parents have child(ren) with medical or psychological conditions or disabilities which require frequent decisions regarding treatment or frequent adjustments in parenting time schedules and the parents have been previously unable to reach agreements without court intervention.
  - (5) One or both parents suffer from mental or psychological conditions or disabilities which have resulted in an inability to reach agreements or make adjustments in the parenting time schedule, even when minor in nature, without assistance.
- (B) A Parenting Coordinator may be an attorney, a trained mental health professional, or a qualified volunteer, if one is available and the appointment is appropriate. A Parenting Coordinator shall fully comply with the requirements of any pertinent rule set out in the Ohio Rules of Superintendence for the Governance of the Bar.
- (C) A Parenting Coordinator shall not be appointed until all of the parties have delineated the powers and duties of the Parenting Coordinator and the term of service for the Parenting Coordinator in an order appointing the Parenting Coordinator or in an agreement signed by both parties and incorporated into a consent order. The parties shall be responsible for the cost of the Parenting Coordinator, the terms and conditions for which shall be set out in the order or in their agreement attached thereto.
- (D) Once said order has been agreed upon and approved by the Court, the Parenting Coordinator shall exercise the powers and duties set out in or incorporated into said order. Nevertheless, the Parenting

Coordinator shall not be entitled to determine changes in the designation of legal custodian or in primary placement of the children.

- (E) In compliance with said order or the agreement incorporated into the order, the Parenting Coordinator shall first attempt to utilize mediation techniques to resolve any dispute that may have arisen. If the dispute is resolved at that time, the same shall be reduced to writing, signed by each party and the attorneys, if any, and, if approved by the Court, filed as a consent judgment entry.
- (F) If the dispute is not resolved, the Parenting Coordinator shall issue a written decision that shall be filed with the Court, with a copy sent by the Parenting Coordinator to each party and the attorneys. Each party shall have fourteen (14) days in which to object to the decision, by filing an objection with the Court. If one party files an objection within the fourteen (14) day period, the other party shall have ten (10) days thereafter in which to file his or her objection, if any. At that time, the dispute shall be assigned for hearing.
- (G) Pending hearing on any objections, all parties shall comply with the Parenting Coordinator's decision, unless the Court relieves the parties of that responsibility.
- (H) Any court costs incurred for filings made by the Parenting Coordinator shall be paid by the parties according to the terms and conditions of the consent order appointing the parenting coordinator or the parties' agreement incorporated therein.
- (I) The Parenting Coordinator shall not serve as a therapist for the child(ren) or any party. He or she shall not serve as the Guardian ad Litem for the child(ren) or as his, her or their attorney. In addition, he or she shall not serve as an attorney for any party to the proceeding. Parenting coordination is not mediation and is not subject to the Uniform Mediation Act or to Rule 16 of the Rules of Superintendence for the Courts of Ohio.

## **CHAPTER 22 – EVALUATIONS, INVESTIGATIONS AND TESTING IN ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITY CASES**

### **JR 22.1 Investigations for the Allocation of Parental Rights and Responsibilities**

- (A) Pursuant to Rule 32(D) of the Ohio Rules of Juvenile Procedure “the Court may cause an investigation to be made as to the character, health, family relations, past conduct, present living conditions, earning ability, and financial worth of the parties to the action.” In appropriate cases in which there are questions regarding the allocation of parental rights and responsibilities for the care of child(ren), the Court may order that such an investigation be made by an appropriately trained individual and that a report thereof be completed and filed with the Court. The investigation may include an evaluation of the parties' and the child(ren)'s psychological status. The order issued shall indicate how the costs for the investigation shall be divided. [See “Court Order 4” for an Investigation (Home Study) and “Court Order 5” for an Evaluation as to the Allocation of Parental Rights and Responsibilities and Parenting Time].
- (B) Upon the issuance of a report, the same shall be sent by the investigator or evaluator to the Court. The original of said report shall be filed within the Family File not less than seven (7) days before trial and, at the discretion of the Court, copies may be provided by the Court to counsel of record or to unrepresented parties. Under any circumstance, counsel and unrepresented parties shall be notified

STANDARD 18. Jury Deliberations

- A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.
- B. The judge should instruct the jury concerning appropriate procedures to be followed during the deliberations in accordance with Standard 16C.
- C. The deliberation room should conform to the recommendations set forth in Standard 14C.
- D. The jury should not be sequestered except under the circumstances and procedures set forth in Standard 19.

STANDARD 19. Sequestration of Jurors.

- A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- B. During deliberations in the guilt phase and penalty phase, the jury shall be sequestered in a capital case.
- C. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- D. Standard procedures should be promulgated to:
  - E. Achieve the purposes of sequestration; and
  - F. Minimize the inconvenience and discomfort of the sequestered juror.
- G. Training shall be provided to personnel who escort and assist jurors during sequestration. (Effective 4/1/10)

**32. PARENTING COORDINATION** (CORAIN COUNTY)

A. Definitions

- 1. Domestic Abuse – a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

2. Domestic Violence – has the same meaning as in R.C. 3113.31(A)(1).
3. Parenting Coordination – means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making.  
“Parenting Coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16, nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.
4. Parenting Coordinator – means an individual appointed by the Court to conduct parenting coordination.

**B. Purpose**

1. This rule allows for the resolution of disputes related to parental rights and responsibilities or companionship time orders outside of Court.

**C. Scope**

1. The Court may appoint a parenting coordinator upon the filing of a parental rights and responsibilities or companionship time order.

**D. Limitations of Parenting Coordinator**

1. A parenting coordinator may not determine the following:
  - a. Whether to grant, modify, or terminate a protection order;
  - b. The terms and conditions of a protection order;
  - c. The penalty for violation of a protection order
  - d. Changes in the designation of the primary residential parent or legal guardian;
  - e. Changes in the primary placement of a child.

E. Parenting Coordinator Qualifications, Continuing Education, Reporting

1. The Court may appoint an individual as a parenting coordinator who has all of the following qualifications:
  - a. A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
  - b. At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
  - c. Has completed the following training approved by the Dispute Resolution Section of the Supreme Court of Ohio:
    1. At least twelve hours of basic mediation training;
    2. At least forty hours of specialized family or divorce mediation training;
    3. At least fourteen hours of specialized training in domestic abuse and dispute resolution;
    4. At least twelve hours of specialized training in parenting coordination.
2. Continuing Education
  - a. To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.
  - b. On or before January 1<sup>st</sup> of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during

the previous year, including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

3. Reporting

- a. A parenting coordinator shall submit to the Court Administrator's office:
  1. A resume documenting compliance with continuing education requirements; and
  2. An updated resume in the event of any substantive changes; and
  3. Notification of any changes to name, address, and telephone number and, if available, electronic mail address.

F. Appointment

1. The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both of the parties, when one or more of the following factors are present:
  - a. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;
  - b. There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
  - c. The parties have a child whose parenting time schedule requires frequent adjustments, specified in an Order of the Court, to maintain age-

appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

- d. The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an Order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- e. One or both of the parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on, or to make adjustments in their parenting time schedule without assistance, even when minor in nature;
- f. Any other factor as determined by the Court.

2. Parenting Coordinator Appointment Order

- a. The appointment order shall set forth all of the following:
  - 1. The name, business address and business telephone number of the parenting coordinator;
  - 2. The specific powers and duties of the parenting coordinator;
  - 3. The term of the appointment;
  - 4. The scope of confidentiality;
  - 5. The fees and expenses to be charged for the services of the parenting coordinator;
  - 6. The parties' responsibility for the payment of fees and expenses for services rendered by the parenting coordinator;

7. The parenting coordinator has the right to suspend all services until payment of any unpaid balances;
8. The terms and conditions of parenting coordination;
9. Any other provisions specifically agreed to by the parties not in conflict with the definition of parenting coordination as set forth in this rule.

3. Selection of Parenting Coordinator for Appointment

- a. The parenting coordinator may be selected using one of the following methods:
  1. By the Court randomly, from the Court's roster of parenting coordinators; or
  2. By the Court based on the type of case, and the qualifications and caseload of the parenting coordinator; or
  3. By agreement of the parties, from the Court's roster of parenting coordinators; or
  4. By any other method approved by the Court.

4. Prohibited Parenting Coordinator Appointments

- a. The Court shall not appoint a parenting coordinator who does not possess the qualifications required by this rule, or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate, guardian ad litem, custody evaluator, therapist, consultant, coach, or other mental health provider to any family member, or attorney of either party. Parties may not waive this prohibition.

5. Appointment of Mediator as Parenting Coordinator
  - a. With written consent of the parties, the individual who served as a mediator for the parties may be appointed as the parenting coordinator.
6. Termination or Modification of Parenting Coordinator Appointment
  - a. Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.
7. Parenting Coordinator Responsibilities
  - a. Ability to Perform Duties
    1. A parenting coordinator shall report in writing to the Court Administrator any factor that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.
  - b. Compliance with Appointment Order
    1. A parenting coordinator shall comply with the requirements of, and act in accordance with the appointment order issued by the Court.
  - c. Independence, Objectivity, and Impartiality
    1. A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.
  - d. Conflicts of Interest
    1. A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal

contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

2. Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court Administrator and the parties in writing of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court through the Court Administrator.

e. Ex parte Communications

1. A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

f. Legal Advice

1. A parenting coordinator shall not offer legal advice.

g. Parenting Coordination Agreements, Reports, and Decisions

1. Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
2. The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if

any. The decision shall be promptly filed with the Court and include all of the following:

- a. Case caption, including the case number;
  - b. Date of the decision;
  - c. The decision of the parenting coordinator;
  - d. Facts of the dispute and facts upon which the decision is based;
  - e. Reasons supporting the decision;
  - f. The manner in which the decision was provided to the parties;
  - g. Any other necessary information.
3. A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten days after the first objections are filed. The party filing the initial objections shall obtain a hearing date and a ruling shall be issued by a Judge or Magistrate within thirty days of the last objection filed.
4. Upon request of the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:
- a. Dates of parenting coordination sessions;
  - b. Whether the parenting coordination sessions occurred or were terminated;
  - c. Requests to reschedule a parenting coordination session, including the name of the requestor and whether the request was approved;

- d. Whether an agreement was reached on some, all, or none of the issues;
- e. Who was in attendance at each session;
- f. The date and time of future parenting coordination sessions;
- g. Whether any decisions were written, and if so, the dates.

8. Parenting Coordination Procedures

a. Screening for and Disclosure of Domestic Abuse and Domestic Violence

- 1. All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
- 2. All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
- 3. When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:
  - a. Fully inform the person who is, or may be the victim of domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
  - b. Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;

- c. Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.
- b. Disclosure of Abuse, Neglect, and Harm
  - 1. A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.
- c. Attendance and Participation
  - 1. The parties shall contact and meet with the parenting coordinator within thirty days of the appointment order. Parties shall attend parenting coordination sessions as requested by the parenting coordinator. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
  - 2. A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and any other individuals designated by the parties.
- d. Referrals to Support Services
  - 1. A parenting coordinator shall provide information regarding referrals to other resources as appropriate.
- e. Parenting Coordinator Evaluations

1. A parenting coordinator shall provide parties with the parenting coordinator evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment. The evaluation form shall be completed by the parties and submitted to the Court Administrator.
  2. The Court Administrator shall complete a review of the parenting coordinators on the Court's roster in January of each year.
- f. Complaint of Parenting Coordinator Misconduct
1. A party to a case in which a parenting coordinator has been appointed may file a complaint regarding misconduct of the parenting coordinator within one year from the termination of the appointment. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.
  2. The complaint shall be submitted to the office of the Court Administrator, and include all of the following:
    - a. The case caption and case number;
    - b. The name of the parenting coordinator;
    - c. The name and contact information for the person making the complaint;
    - d. The nature of any alleged misconduct or violation;
    - e. The date the alleged misconduct or violation occurred.
  3. The Court Administrator shall provide a copy of the complaint to the parenting coordinator;

4. The parenting coordinator has fourteen days from the date of receipt of the complaint to respond in writing to the office of the Court Administrator.
5. The Court designee shall conduct an investigation into the allegations and shall issue a response.

g. Fees

1. A parenting coordinator shall be paid an hourly rate, as agreed to by the parties and the parenting coordinator. If the Court determines that the parties are indigent, some of the fees associated with the parenting coordinator may be waived. The parenting coordinator has the right to suspend all services until payment of any unpaid balances.

9. Confidentiality and Privilege

- a. Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

10. Public Access

- a. The files maintained by the parenting coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

## 11. Model Standards

- a. The Court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the “Guidelines for Parenting Coordination” and this rule, this rule shall control.

## 12. Court Reporting Requirements

- a. On or before February 1<sup>st</sup> of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all of the following:
  1. A copy of this rule;
  2. A copy of the Court’s current roster of parenting coordinators;
  3. A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;
  4. A copy of each list of continuing education training received by the Court from each parenting coordinator.

## 13. Sanctions

- a. The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney’s fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.

(Effective: 4/1/17)

**RULE 19**  
**ARBITRATION**

The Court may, at the request of all parties, refer a case or designated issue to arbitration.

- 19.01** The parties shall propose an arbitrator to the Court and identify all issues to be resolved by the arbitrator. The arbitrator shall consent to serve and shall have no interest in the determination of the case or relationship with the parties or their counsel that would interfere with the impartial consideration of the case. An arbitrator selected by the parties and approved by the Court need not be an attorney.
- 19.02** The request for arbitration submitted by the parties shall provide for the manner of payment of the arbitrator.
- 19.03** Report.

The arbitrator shall file a report and award to the Court within thirty (30) days of the hearing. The report shall be filed with the Clerk of Court and copies shall be forwarded to the parties or to their attorneys. The report and award, unless appealed, shall be final and entered as a judgment of the Court.

**19.04** Appeals.

Any party may appeal the award of the arbitrator to the Court if, within thirty (30) days after the filing of the award with Clerk of Court, the party does both of the following:

- (A) Files a notice of appeal with the Clerk of Court and serves a copy on the adverse party accompanied by an affidavit that the appeal is not taken to delay;
- (B) Pays all fees owed by that party to the arbitrator.

**19.05** All appeals are *de novo* proceedings. The arbitrator shall not be called as a witness.

**19.06** Exceptions to the decision of the arbitrator based upon either misconduct or corruption may be filed by a party within thirty (30) days after the filing of the report, and, if sustained, the report shall be vacated.

**RULE 20**  
**PARENTING COORDINATOR / COORDINATION (LUCAS COUNTY)**

**20.01** Definitions

- (A) "Parenting coordinator" means an individual appointed by the Court to conduct parenting coordination.
- (B) "Parenting coordination" means a child focused dispute resolution process ordered by the Court to assist parties in implementing parental rights and responsibilities or companionship time orders using assessment, education, case management, conflict management, coaching, or decision-making. "Parenting coordination" is not mediation subject to R.C. 2710, R.C. 3109.052 or Sup.R. 16 nor arbitration subject to R.C. 2711 or Sup.R. 15.
- (C) "Domestic abuse" means a pattern of abuse and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.
- (D) "Domestic violence" has the same meaning as in R.C. 3113.31(A)(1).

**20.02** Criteria used to Determine the Appointment of a Parenting Coordinator

- (A) One or both parents have great difficulty accepting legal advice or multiple attorneys have been retained;

- (B) The parents have exhibited extreme difficulties in settling issues pertaining to the allocation of parental rights and responsibilities;
- (C) One or both parents are alleging parental alienation, substance abuse, domestic violence, sexual abuse, or neglectful parenting traits;
- (D) The allegations made by one parent against the other "mirror" those made by the other parent;
- (E) There is a restraining order in effect between the parents;
- (F) The parents have exhibited an extremely derogatory attitude and behavior toward each other;
- (G) The parents are merging their own needs and feelings with those of the minor children.

**20.03 Screening and Disclosure for Domestic Abuse and Domestic Violence**

- (A) All cases shall be screened for domestic abuse and domestic violence by the Court Counseling Department before the commencement of the parenting coordination process.
- (B) All parties and counsel shall immediately advise the assigned Judge of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
- (C) If domestic abuse or domestic violence is alleged, suspected, or present, the parenting coordinator, before proceeding with the process, shall:
  - (1) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
  - (2) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
  - (3) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

**20.04 Appointment of Parenting Coordinator**

- (A) By the Court on its own motion.
- (B) At the request of either party through the filing of a motion.
- (C) Upon request of a guardian ad litem through the filing of a motion.
- (D) Upon written recommendation of the assigned court counselor with substantiation of the reasons for the recommendation.
- (E) The appointment order shall set forth the following:
  - (1) Name of Parenting Coordinator and pertinent contact information;
  - (2) The specific powers and duties of the parenting coordinator which includes, but is not limited to:
    - (a) Dates, time and method of pickup and delivery;
    - (b) Minor or occasional adjustment in vacations or holiday schedules;

- (c) Transportation to and from parenting time;
- (d) Participation in childcare/daycare and babysitting;
- (e) School attendance and homework;
- (f) Bedtime;
- (g) Diet;
- (h) Clothing, sports, lessons, and recreation;
- (i) Enrichment activities and summer camp;
- (j) Discipline;
- (k) Parent participation in routine at-home health care and hygiene;
- (l) Occasional schedule adjustments which do not substantially alter the basic time share agreement;
- (m) Participation in parenting time by significant others, relatives, etc.;
- (n) Communication between parents and between parents and children;
- (o) Require the parties to execute all releases deemed necessary by the parenting coordinator;
- (p) Interview the parties, attorneys, or child(ren) in any combination, and to exclude any party or attorney from such interview;
- (q) Have reasonable access to the child(ren) with adequate notice;
- (r) Have access to any therapist of any of the parties or child(ren), and access to school or medical records;
- (s) Obtain releases for any evaluation, psychological testing, or test results performed on any child(ren) or any parent or custodian or guardian of the child(ren), including releases needed to speak directly with relevant professionals;
- (t) Have access to the educators of the child(ren);
- (u) Obtain copies of past and future pleadings relating to custody and parenting issues within seven (7) calendar days of filing;
- (v) Obtain all relevant records, documentation, and information deemed necessary by the parenting coordinator;
- (w) Solve problems that generate conflict between the parents and keep the child(ren) out of the middle of the conflict;
- (x) Help develop/fine tune the parenting plan and monitor its implementation;
- (y) Assess the needs of the family (analyze the situation and prioritize the problems), intervene, and educate;

- (z) Communicate with all who impact on the clients and their conflict; i.e., therapist, family members, etc.; and,
- (aa) Provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses/education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.
- (3) The term of the appointment;
- (4) The scope of confidentiality;
- (5) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator; and,
- (6) Parenting coordination terms and conditions.
- (F) The Parenting Coordinator who meets the qualifications shall be selected as follows:
  - (1) Random selection from the Court's roster of parenting coordinators;
  - (2) Specific appointments based on the type of case and the qualifications and caseload of the parenting coordinator; or,
  - (3) Parties select a parenting coordinator from the Court roster to be approved by the Court.
- (G) The Court shall not appoint a parenting coordinator who does not have the qualifications of this rule or who has served or is serving in a role that creates a professional conflict, including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist; consultant; coach, or other mental health role to any family member, or attorney for either party. Parties may **not** waive this conflict.
- (H) With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.
- (I) Upon motion of a party, for good cause shown, or *sua sponte*, the Court may terminate or modify the parenting coordinator appointment.

**20.05** Scope

- (A) At any point after a parental rights and responsibilities or companionship time order is filed, the Court may order parenting coordination **except** to determine the following:
  - (1) Whether to grant, modify, or terminate a protection order;
  - (2) The terms and conditions of a protection order;
  - (3) The penalty for violation of a protection order;
  - (4) Changes in the designation of the primary residential parent or legal custodian;
  - (5) Changes in the primary placement of a child; and,
  - (6) Changes that materially alter the existing time sharing arrangement.

**20.06** Qualifications of a Parenting Coordinator

- (A) The parenting coordinator must have the following:

- (1) A Master's degree or higher, a law degree, or education and experience satisfactory to the Court;
  - (2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, knowledge of child development, conflict resolution, arbitration, and anger management, or such other equivalent experience satisfactory to the Court;
  - (3) Training that has been approved by the Dispute Resolution Section of the Supreme Court, in the following order:
    - (a) At least twelve (12) hours of basic mediation training;
    - (b) At least forty (40) hours of specialized family or divorce mediation training;
    - (c) At least fourteen (14) hours of specialized training in domestic abuse and dispute resolution;
    - (d) At least twelve (12) hours of specialized training in parenting coordination.
- (B) To maintain eligibility for appointment, a parenting coordinator shall complete at least three (3) hours per calendar year of continuing education relating to children approved by the Dispute Resolution Section of the Supreme Court.

**20.07 Attendance and Participation**

- (A) Parties shall attend parenting coordination sessions. Request to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
- (B) A parenting coordinator shall allow attendance and participation of the parties' attorneys and/or any other individuals designated by the parties.

**20.08 Parenting Coordination Agreements, Reports, Decisions, and Objections**

- (A) Parties shall sign and abide by agreements reached during a parenting coordination session which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
- (B) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, the following:
  - (1) Dates of parenting coordination session(s);
  - (2) Whether the parenting coordination session(s) occurred or was terminated;
  - (3) Requests to reschedule a parenting coordination session including the name of the requestor and whether the request was approved;
  - (4) Whether an agreement was reached on some, all, or none of the issues;
  - (5) Who was in attendance at each session; and,
  - (6) The date and time of a future parenting coordination session(s).
- (C) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute(s). If the parties are unable to reach an agreement, the parenting

coordinator shall issue a written decision that is EFFECTIVE IMMEDIATELY AND REMAINS EFFECTIVE UNLESS ORDERED OTHERWISE BY THE COURT OR EFFECTIVE UPON APPROVAL OF THE COURT. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:

- (1) Case caption, including the case number;
  - (2) Date of the decision;
  - (3) Facts;
  - (4) Reasons supporting the decision; the manner in which the decision was provided to the parties; and
  - (5) Any other necessary information.
- (D) A party may file written objection(s) to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen (14) days of the filing date of the decision. If any party timely files objections, any other party may also file objection(s) with the Court and serve all other parties to the action not later than ten (10) days after the first objection(s) are filed. A hearing may be scheduled upon request and at the discretion of the Court. A judge or magistrate shall issue a ruling on the objection(s) within thirty (30) days from the date of the last objection filed.
- (E) In the event legal action becomes necessary to enforce any decision of the parenting coordinator, the non-prevailing party shall be responsible for the cost, including reasonable attorney fees of the other party.
- (F) The parenting coordinator shall have the status of a guardian ad litem with all rights and privileges.

#### **20.09 Responsibilities and Conduct of Parenting Coordinator**

- (A) A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator;
- (B) A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court;
- (C) A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom;
- (D) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator. Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court;
- (E) A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case;
- (F) A parenting coordinator shall not offer legal advice;

- (G) A parenting coordinator shall submit a resume to the Court documenting compliance with this rule, provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number, and, if available, electronic mail address.
- (H) On or before January 1 of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year, including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until the requirement is satisfied. The parenting coordinator shall complete three (3) hours of continuing education for each calendar year of deficiency.
- (I) A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party, to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

#### **20.10 Confidentiality, Privilege and Public Access**

- (A) Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.
- (B) The files maintained by a parenting coordinator, but not filed with a clerk or submitted to a Court, shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

#### **20.11 Parenting Coordinator Evaluations and Complaints**

- (A) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.
- (B) The Court shall complete a review of the parenting coordinator(s) on the Court's roster in January of each year.
- (C) A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the administrative judge and include all of the following:
  - (1) Case caption, including case number;
  - (2) The name of the parenting coordinator;
  - (3) The name and contact information for the person making the complaint;
  - (4) The nature of any alleged misconduct or violation; and,
  - (5) The date(s) the alleged misconduct or violation occurred.
- (D) The administrative judge shall provide a copy of the complaint to the parenting coordinator.
- (E) The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the administrative judge.

33.02 **Affidavits:** Affidavits signed by children shall not be accepted for filing nor admitted into evidence as exhibits. Pursuant to R.C. 3109.04(B)(3), other exhibits relating to the children such as writings, video and tape recordings, or transcriptions of same, shall not be accepted for filing or admitted into evidence.

#### **RULE 34**

### **PARENTING COORDINATOR (MATHSON/ING)**

34.01 The Court may appoint a parenting coordinator in those cases where the parents are in such a state of conflict that they are unable to agree upon the implementation of the allocation of parental rights and responsibilities and/or parenting time. Such appointment shall be with the consent of the parents who shall be responsible for entering into a written agreement with the parenting coordinator regarding length of term, amount and manner of compensation, and authority to make decisions regarding the minor child(ren). The decision making authority of the parenting coordinator shall not affect the Courts exclusive jurisdiction to determine the allocation of parental rights and responsibilities or the parenting time.

34.02 Any parenting coordinator employed by the parties, or with whom the Court makes referrals shall have experience in areas related to family law and may be an Attorney or a mental health professional.

#### **RULE 35**

### **CONSENT ENTRIES**

35.01 **Consent Entries:** A Consent Judgment Entry relating to the allocation of parental rights and responsibilities may be submitted to the Court without the necessity of a motion or hearing only if signed by both parties, and both counsel. If the party relinquishing the status of Residential Parent is unrepresented, the case must be scheduled for hearing. A notice of hearing shall be issued by the Court and filed with the Clerk of Court. In the event that the responsibility for providing private health insurance changes to a third-party spouse, a copy of the health insurance card along with the name and address of the health insurance company shall be provided to the Child Support Enforcement Agency.

complete school work, to submit to random urine screens, to attend substance abuse counseling, to report to court probation officer and to comply with other treatment programs or court orders.

Each participant's performance and progress shall be closely monitored by the STAR team's probation officer and treatment providers. STAR team meetings and ongoing judicial interaction will take place weekly during the participant's progression through the initial phase of the program. Thereafter, judicial interaction shall become less frequent as the participant is promoted through the program phases.

#### **23.07 Termination from the Stark County Family Court Star Program**

Termination from the STAR program, either due to an inability to participate or noncompliance with the STAR program rules, will result in a court order reflecting said termination and the scheduling of a separate hearing to address the final disposition of the charge(s) that brought the juvenile to court.

#### **23.08 Completion of the Star Program**

Completion of the STAR program components will result in a dismissal of the charge(s) that brought the youth before the court.

### **RULE 24 PARENTING COORDINATION (STARK COUNTY)**

#### **24.01 Appointment**

The Court may appoint a parenting coordinator when it finds any of the following:

- (A) The parties have failed to adequately cooperate and/or communicate with regard to issues involving the child(ren) or have been unable to implement a parenting plan or parenting schedule ;
- (B) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
- (C) The appointment of a parenting coordinator is in the best interests of the child or children involved in the proceedings;
- (D) Upon agreement of the parties.

#### **24.02 Definitions**

As used in this rule:

- (A) Domestic abuse  
"Domestic abuse" means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.
- (B) Domestic violence  
"Domestic violence" has the same meaning as in R.C. 3113.31(A)(1).
- (C) Parenting coordination  
"Parenting coordination" means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and

responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. "Parenting coordination" is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.

- (D) Parenting coordinator  
"Parenting coordinator" means an individual appointed by the Court to conduct parenting coordination.

#### **24.03 Scope**

At any point after a parental rights and responsibilities or companionship time order is filed, the Court may order parenting coordination except to determine the following:

- (A) Whether to grant, modify, or terminate a protection order;
- (B) The terms and conditions of a protection order;
- (C) The penalty for violation of a protection order;
- (D) Changes in the designation of the primary residential parent or legal guardian;
- (E) Changes in the primary placement of a child.

#### **24.04 Qualifications**

- (A) The Court may appoint an individual as a parenting coordinator who meets all of the following qualifications:
  - (1) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
  - (2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
  - (3) Has completed the following training approved by the Dispute Resolution Section of the Supreme Court:
    - (a) At least twelve hours of basic mediation training;
    - (b) At least forty hours of specialized family or divorce mediation training;
    - (c) At least fourteen hours of specialized training in domestic abuse and dispute resolution;
    - (d) At least twelve hours of specialized training in parenting coordination.
- (B) Parenting Coordinator Qualifications in Abuse, Neglect and Dependency Cases  
In addition to the qualifications under 24.04(A) of this rule, the Court may appoint a parenting coordinator to an abuse, neglect, or dependency case, provided the parenting coordinator meets both of the following qualifications:
  - (1) Significant experience working with family disputes;
  - (2) At least thirty-two hours of specialized child protection training that has been approved by the Dispute Resolution Section of the Supreme Court.
- (C) Parenting Coordinator Continuing Education

To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court.

(D) Parenting Coordinator Appointment Order

The Court's appointment order shall set forth all of the following:

- (1) The name of the parenting coordinator and any contact information the Court may choose to include;
- (2) The specific powers and duties of the parenting coordinator;
- (3) The term of the appointment;
- (4) The scope of confidentiality;
- (5) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;
- (6) Parenting coordination terms and conditions;

(E) Selection of Parenting Coordinator for Appointment

The parenting coordinator who meets the qualifications in division 24.04(A) of this rule and, if applicable division 24.04(B), shall be selected using one of the following:

- (1) Use of a Court employee;
- (2) Random selection by the Court from the Court's roster of parenting coordinators;
- (3) Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
- (4) Parties select a parenting coordinator from the Court's roster of parenting coordinators;

(F) Prohibited Parenting Coordinator Appointments

The Court shall not appoint a parenting coordinator who does not possess the qualifications in division 24.04(A) of this rule and, if applicable division 24.04(B), or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party. Parties may not waive this prohibition.

(G) Appointment of Mediator as Parenting Coordinator

With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.

(H) Termination or Modification of Parenting Coordinator Appointment

Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

**24.05 Parenting Coordinator Responsibilities**

(A) Ability to perform duties

A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

- (B) Compliance with appointment order  
A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.
- (C) Independence, objectivity, and impartiality  
A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.
- (D) Conflicts of interest
  - (1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.
  - (2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court.
- (E) Ex parte communications  
A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.
- (F) Reporting
  - (1) A parenting coordinator shall submit a resume to the Court documenting compliance with division 24.04(A) and, if applicable, division 24.04(B); provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number and, if available, electronic mail address contained in the resume.
  - (2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division 24.04(C), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

#### **24.06 Parenting Coordination Procedures**

- (A) Screening for and disclosure of domestic abuse and domestic violence
  - (1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
  - (2) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting

coordination process.

- (3) When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:

- (a) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
- (b) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
- (c) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

- (B) Disclosure of abuse, neglect, and harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

- (C) Attendance and participation

- (1) Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
- (2) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys.

- (D) Referrals to support services

A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses or education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.

- (E) Parenting coordination agreements, reports, and decisions

- (1) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
- (2) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:
  - (a) Dates of parenting coordination session(s);
  - (b) Whether the parenting coordination session(s) occurred or was terminated;
  - (c) Requests to reschedule a parenting coordination session(s), including the name of the requestor and the whether the request was approved;
  - (d) Whether an agreement was reached on some, all, or none of

the issues;

- (e) Who was in attendance at each session(s);
  - (f) The date and time of a future parenting coordination session(s);
  - (g) Whether any decisions were written and if so, the date(s);
- (3) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:
- (a) Case caption, including the case number;
  - (b) Date of the decision;
  - (c) The decision of the parenting coordinator;
  - (d) Facts of the dispute and facts upon which the decision is based;
  - (e) Reasons supporting the decision;
  - (f) The manner in which the decision was provided to the parties;
  - (g) Any other necessary information.
- (4) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties and the assigned Judge to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties and the assigned Judge to the action, not later than ten days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling on the objections within thirty days from the date of the last objection filed.
- (F) Parenting coordinator evaluations and complaints
- (1) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.
  - (2) The Court shall complete a review of the parenting coordinators on the Court's roster in January of each year.
  - (3) A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Court Administrator, and include all of the following:
    - (a) The case caption, case number and assigned Judge;
    - (b) The name of the parenting coordinator;
    - (c) The name and contact information for the person making the complaint;
    - (d) The nature of any alleged misconduct or violation;
    - (e) The date the alleged misconduct or violation occurred;
  - (4) The Court Administrator shall provide a copy of the complaint to the parenting coordinator and the assigned Judge;

- (5) The parenting coordinator has fourteen days from the date of the receipt of the complaint to respond in writing to Court Administrator;
- (6) The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint was received.

(G) Fees

A parenting coordinator shall be paid \$60/hour, unless otherwise ordered by the Court. All fees shall be determined by the Court and included in the appointment order. Fees shall be waived for indigent parties.

(H) Stay of Proceedings

Unless otherwise provided by court order, referral of a case to parenting coordination stays a case until further notice. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:

- (1) An objection to a parenting coordinator's decision;
- (2) A motion to lift the stay;
- (3) A response to a motion to lift the stay;
- (4) An application to dismiss the case;
- (5) A notice related to counsel;
- (6) A motion for changes in the designation of the primary residential parent or legal guardian;
- (7) A motion for changes in the primary placement of a child;

#### **24.07 Confidentiality and Privilege**

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

#### **24.08 Public Access**

The files maintained by a parenting coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

#### **24.09 Sanctions**

The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.

#### **RULE 25 ELECTRONICALLY PRODUCED TICKETS**

The use and filing of a uniform traffic ticket that is produced by computer or other

## Rule 35. Parenting Coordination.

### (A) Definitions

As used in this rule:

- (1) “Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.
- (2) “Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).
- (3) “Parenting coordination” means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052 or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.
- (4) “Parenting Coordinator” means an individual appointed by the Court to conduct parenting coordination.

### (B) Purpose

This rule allows for the earliest possible resolution of disputes related to parental rights and responsibilities or companionship time orders.

### (C) Scope

At any point after a parental rights and responsibilities or companionship time order is filed, the Court may order parenting coordination except to determine the following:

- (1) Whether to grant, modify, or terminate a protection order;
- (2) The terms and conditions of a protection order;
- (3) The penalty for violation of a protection order;
- (4) Changes in the designation of the primary residential parent or legal guardian;
- (5) Changes in the primary placement of a child.

### (D) Appointment

1. The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:
  - (a) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
  - (b) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
  - (c) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;

- (d) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
  - (e) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
  - (f) Any other factor as determined by the Court.
2. Prior to appointment, the Court may appoint a parenting coordinator who has the following:
- (a) master's degree or higher, a law degree, or education and experience satisfactory to the Court;
  - (b) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
  - (c) Training that has been approved by the Dispute Resolution Section of the Supreme Court, in the following order:
    - (i) At least twelve (12) hours of basic mediation training;
    - (ii) At least forty (40) hours of specialized family or divorce mediation training;
    - (iii) At least fourteen (14) hours of specialized training in domestic abuse and dispute resolution;
    - (iv) At least twelve (12) hours of specialized training in parenting coordination.
3. In addition to the qualifications under Division (D)(2) of this rule, the Court may appoint a parenting coordinator to an abuse, neglect or dependency case provided the parenting coordinator meets both of the following qualifications:
- (i) Significant experience working with family disputes;
  - (ii) At least thirty-two (32) hours of specialized child protection training that has been approved by the Dispute Resolution Section of the Supreme Court.
4. To maintain eligibility for appointment, a parenting coordinator shall complete at least three (3) hours per calendar year of continuing education relating to children approved by the Dispute Resolution Section of the Supreme Court.
5. The appointment order shall set forth the following:
- (a) The name of the parenting coordinator and any contact information the Court may choose to include;
  - (b) The specific powers and duties of the parenting coordinator;
  - (c) The term of the appointment;
  - (d) The scope of confidentiality;
  - (e) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;
  - (f) Parenting coordination terms and conditions.
6. The parenting coordinator who meets the qualifications in Division (D)(2) and, if applicable, (D)(3) shall be selected using one of the following:
- (a) Use of a court employee;

- (b) Random selection from the Court's roster of parenting coordinators;
  - (c) Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
  - (d) Parties select a parenting coordinator from the Court roster to be approved by the Court.
7. The Court shall not appoint a parenting coordinator who does not have the qualifications in Division (D)(2) and, if applicable, Division (D)(3) of this rule or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party. Parties may not waive this conflict.
8. With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.
9. Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

**(E) Parenting Coordinator Responsibilities**

(1) Ability to Perform Duties

A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

(2) Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court pursuant to Division (D) of this rule.

(3) Independence, Objectivity, and Impartiality

A parenting coordinator shall maintain independence; objectivity; and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

(4) Conflicts of Interest

A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator. Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court.

(5) Ex Parte Communications

A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(6) Legal Advice

A parenting coordinator shall not offer legal advice.

(7) Reporting

- (a) A parenting coordinator shall submit a resume to the Court documenting compliance with Division (D)(2) and, if applicable, Division (D)(3) of this rule; provide an updated resume to the court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number and, if available, electronic mail address.
- (b) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to Division (D)(4) of this rule including the sponsor, title, date and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three (3) hours of continuing education for each calendar year of deficiency.

**(F) Procedures**

(1) Screening and Disclosure for Domestic Abuse and Domestic Violence

- (a) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.

All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.

- (b) When domestic abuse or domestic violence is alleged, suspected or present, before proceeding, a parenting coordinator shall:
  - (i) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
  - (ii) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
  - (iii) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the

parties.

(2) Disclosure of Abuse, Neglect and Harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party, to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

(3) Attendance and Participation

- (a) Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
- (b) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and/or any other individuals designated by the parties.

(4) Referrals to Support Services

A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses/education and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.

(5) Parenting Coordination Agreements, Reports and Decisions

- (a) Parties shall sign and abide by agreements reached during a parenting coordination session which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
- (b) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, the following:
  - (i) Dates of parenting coordination session(s);
  - (ii) Whether the parenting coordination session(s) occurred or was terminated;
  - (iii) Requests to reschedule a parenting coordination session including the name of the requestor and whether the request was approved;
  - (iv) Whether an agreement was reached on some, all or none of The issues;
  - (v) Who was in attendance at each session; and
  - (vi) The date and time of a future parenting coordination session(s).
- (c) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute(s). If the parties are unable to reach an agreement, the parenting coordinator shall issue a

written decision that is effective immediately and remains effective unless ordered otherwise by the Court. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:

- (i) Case caption, including the case number;
  - (ii) Date of the decision;
  - (iii) Facts;
  - (iv) Reasons supporting the decision;
  - (v) The manner in which the decision was provided to the parties; and
  - (vi) Any other necessary information.
- (d) A party may file written objection(s) to a parenting coordinator's decision, with the Court and serve all other parties to the action, within fourteen (14) days of the filing date of the decision. If any party timely files objection(s), any other party may also file objection(s) with the Court and serve all other parties to the action, not later than ten (10) days after the first objection(s) are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling on the objection(s) within thirty (30) days from the date of the last objection filed.

#### (6) Parenting Coordinator Evaluations and Complaints

- (a) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.
- (b) The Court shall complete a review of the parenting coordinator(s) on the Court's roster in January of each year.
- (c) A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Court Administrator, and include all of the following:
  - (i) Case caption, including the case number;
  - (ii) The name of the parenting coordinator;
  - (iii) The name and contact information for the person making the complaint;
  - (iv) The nature of any alleged misconduct or violation;
  - (v) The date(s) of the alleged misconduct or violation occurred.
- (d) The Court Administrator shall provide a copy of the complaint to the parenting coordinator;
- (e) The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the Court Administrator.
- (f) The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty (30) days from the date the complaint was received.

(7) Fees

A parenting coordinator shall be paid \$60/hour, unless otherwise ordered by the Court. All fees shall be determined by the Court and included in the appointment order. Fees shall be waived for indigent parties.

(8) Stay of Proceedings

Unless otherwise provided by court order, referral of a case to parenting coordination terminates a case. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:

- (a) A motion to review the parent coordinator decision;
- (b) A motion for reallocation of parental rights;
- (c) A motion to modify parenting time;

(9) Parties filing the above-listed motions will be required to pay the cost deposit for that motion in order to proceed.

**(G) Confidentiality and Privilege**

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

**(H) Public Access**

The files maintained by a parenting coordinator but not filed with a clerk or submitted to a court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

**(I) Model Standards**

The Court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the Guidelines for Parenting Coordination and this local rule, this local rule shall control.

**(J) Court Reporting Requirements**

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court all of the following:

- (a) A copy of this local rule;
- (b) A copy of the current roster of parenting coordinators;
- (c) A copy of each new or updated resume received by the court from a parenting coordinator during the previous year;

- (d) A copy of each list of continuing education training received by the court from each parenting coordinator.

**(K) Sanctions**

The Court may impose sanctions for any violation of this rule which may include, but not limited to, attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the Court.