

IN THE DISTRICT COURT IN AND FOR ORANGE COUNTY
STATE OF NORTH CAROLINA

_____,)
)
Plaintiff/Petitioner,)
)
vs.) Case No. _____
)
) Judge _____
_____,)
)
Defendant/Respondent.)

ORDER APPOINTING PARENTING COORDINATOR

NOW on this _____ day of _____, 200____, this matter comes before the undersigned Judge of the District Court pursuant to _____ et seq. to appoint a Parenting Coordinator. The Court, having reviewed the file and considered the premises FINDS AND ORDERS as follows:

1. Existing Order(s).

A. The parties are currently operating under the following custody/visitation order:

_____ (Decree, order modifying), filed _____.
The child/ren involved in this proceeding are:

_____, age _____, born _____
_____, age _____, born _____
_____, age _____, born _____
_____, age _____, born _____

B. A Protective Order _____ has or _____ has not been entered between these parties. This Protective Order, _____ County Case No PO _____ - _____ is modified to allow limited contact for the purposes of parenting coordination, provided the following limits apply: _____.

2. Jurisdiction.

A. This Court has jurisdiction over child custody and parenting time issues pursuant to NC Gen Stat. Ch 50A et seq. and NC Gen Stat. Ch 50-90 et seq.

B. [Choose one of the following]

_____ The parties agree and the court so finds that appointment of a Parenting Coordinator is necessary to assist the parents in implementing the terms of the existing child custody and parenting time order for the specific issues listed in paragraph 5 below.

_____ **The Court finds that the appointment of a Parenting Coordinator is in the best interest of the child/ren, the parties are able to pay for the cost of the Parenting Coordinator and the action is a high conflict case.**

3. Parenting Coordinator.

_____, or his/her successor, is appointed as a Parenting

Coordinator. The parties shall cooperate with the Parenting Coordinator and follow the terms specified in this Order.

4. Term/Succession.

The term of the Parenting Coordinator's service shall be for a period of _____ years from the date of this Order. If the Parenting coordinator requests to withdraw, then the Court shall appoint another Parenting Coordinator who is agreeable to both parties. If the Court terminates the appointment prior to the expiration date, notice shall be given to the Parenting Coordinator, and a hearing held.

5. Issues Subject to Parent Coordination.

A. General Authority: In addition to the responsibility of Parenting Coordinator as defined in **N.C. Gen. Stat. Ch. 50-92** and the Local Rules:

- (1) Identify issues
 - (2) Reduce misunderstandings
 - (3) Clarify priorities
 - (4) Explore possibilities for compromise
 - (5) Develop methods of collaboration in parenting
 - (6) Aid the parents to comply with the Court's order of custody, visitation or guardianship
 - (7) Reduce conflict between parties**
 - (8) Teach parents communication skills, child development and child issues**
- Specific to divorce.**

B. Areas of Domain: The Parenting Coordinator can make minor changes in the following checked areas:

- (1) _____ Transition time/ pickup/delivery
- (2) _____ Sharing of vacations and holidays
- (3) _____ Method of pick up and delivery
- (4) _____ Transportation to and from visitation
- (5) _____ Participation in child care/daycare and baby sitting
- (6) _____ Bed time
- (7) _____ Diet
- (8) _____ Clothing
- (9) _____ Recreation
- (10) _____ After school and enrichment activities
- (11) _____ Discipline
- (12) _____ Health Care Management
- (13) _____ Alterations in schedule which do not substantially alter the basic time share agreement
- (14) _____ Participation in visitation (significant others, relatives, etc.)
- (15) _____ Increasing time share when developmentally appropriate for young children
- (16) _____ Other, as specified: _____

C. Decision Making Power. In order to carry out the general authority granted to the Parenting Coordinator, the following specific issues are submitted to the Parenting Coordinator for decision:

- (1) _____

- (2) _____
- (3) _____
- (4) _____
- (5) _____

D. Limits to Power. The Parenting Coordinator may allow the parties to make minor, temporary departures from the parenting plan if authorized by the Court to do so. The Parenting Coordinator shall not divest the Court of exclusive jurisdiction to determine the fundamental issues of custody, visitation, and child support.

6. Role of Parenting Coordinator.

A. Decisions: The Parenting Coordinator shall decide any issue as set forth in paragraph 5 within the scope of his/her authority by any appropriate dispute-resolution method. During this process, the Parenting Coordinator may coach and educate the parents about ways to better communicate about the child/ren and about child development issues.

B. Recommendations:

(1) The Parenting Coordinator may recommend to the Court that the parents participate in any of the following interventions:

- * therapy, recognizing that couples counseling is not appropriate in cases involving domestic violence;
- * treatment programs, including batterer’s intervention courses;
- * mediation;
- * custody/parenting time evaluation;
- * programs for high conflict parents, anger management, etc; and
- * interventions for minor child/ren including the appointment of an attorney or therapy.

(2) The Parenting Coordinator may recommend changes in the Parenting Coordinator’s decision-making power to better accommodate the needs of the parties or their children that may arise during the parenting coordination **if the Parenting Coordinator believes the current Order is not in the child/ren’s best interest.**

(3) Any recommendations, if not consented to by the parties, shall be submitted to the Court in writing with copies to each parent and attorneys involved in the case. The Judge shall determine whether a modification is necessary to implement recommendations of the Parenting Coordinator. Recommendations consented to by both parties shall be submitted to both parties and their attorneys.

C. Resolutions: The primary role of the Parenting Coordinator is to assist the parties in working out disagreements about the child/ren in a way that minimizes conflict. If the parties are able to resolve any matters through mutual agreement, the Parenting Coordinator shall make a decision whether to adopt that resolution as a decision, if the agreement falls within the purview of paragraph 5. If the adopted agreement does not fall within paragraph 5, then the Parenting Coordinator shall set the agreement forth as a recommendation.

D. Report to the Court:

(1)The Parenting Coordinator shall promptly provide written notification to the Court, the parties and attorneys for the parties if the Parenting Coordinator makes any of the following determinations:

- (a) The existing custody order is not in the best interests of the child/ren.

(b) The Parenting Coordinator is not qualified to address or resolve certain issues in the case.

(2) Upon receipt of such notice, the Court shall schedule a hearing and review the matter no later than two weeks following receipt of the report.

(3) If the parties reach any fundamental change in the child custody order, the Parenting Coordinator shall send the agreement to the parties' attorneys for preparation of a consent order.

7. Appointments with the Parenting Coordinator.

A. The Parenting Coordinator may set a time and place for a brief informational meeting.

B. Future appointments with the Parenting Coordinator may be scheduled at the request of either parent by telephone or in person with no written notice required. Each parent shall make a good faith effort to be available for appointments when requested by the other parent or the Parenting Coordinator.

C. The Parenting Coordinator shall notify the Court, with copies to the parties or their attorneys, if either party refuses to cooperate.

8. Decision Making Process.

A. Both parents shall abide by rules and procedures set forth by the Parenting Coordinator for the scheduling and conducting of meetings. The Parenting Coordinator shall investigate and decide matters submitted to him/her by meeting with the parents, reviewing written materials submitted to him/her, and considering any other information relevant to the matter to be decided. Meetings may be held with both parents present or by meeting with one parent at a time. The Parenting Coordinator has discretion to allow either parent to appear by telephone.

B. The Parenting Coordinator is authorized to consult with professionals, family members and others who have information about the parents or child/ren, such as therapists, custody evaluators, school teachers, etc., and may consider that information in making a decision, as allowed by law. The Parenting Coordinator shall have the authority to determine the protocol of all interviews and sessions including, in the case of meetings with the parents, the power to determine who attends such meetings.

C. The Parenting Coordinator is authorized to interview the child/ren privately in order to ascertain the child/ren's needs as to the issues being decided. The Parenting Coordinator shall avoid forcing the child/ren to choose between the parents.

D. The parents shall provide all records, collateral releases including but not limited to educational, medical, and psychological releases, documentation and information requested by the Parenting Coordinator within fifteen (15) calendar days of the request. The Parenting Coordinator may not request materials subject to attorney/client privilege, and may not require the release of documents protected by law except upon proper consent and release by the parties or by Order of the Court.

9. Communication.

A. The parents and their attorneys, if they are represented, may communicate with the Parenting Coordinator ex parte (without the other parent present). This applies to oral communications and any written documentation or communication submitted to the Parenting Coordinator.

B. The Parenting Coordinator may communicate ex parte with the parents and their attorneys, and other professionals involved in the case. This applies to both written and oral

communications. The Parenting Coordinator may talk with each parent without the presence of either counsel.

C. The Parenting Coordinator shall not communicate ex parte with the Judge assigned to the case.

D. Any party involved in any legal action that affects this Order shall notify the Parenting Coordinator.

E. The Parenting Coordinator may request instructions from the Court, either in a Court hearing on this case or in writing directed to the Court, with notice to all parties and attorneys.

10. Parenting Coordinator Records.

A. The Parenting Coordinator shall provide the following to the attorneys for the parties and to the parties:

(1) A written summary of the developments in the case following each meeting with the parties.

(2) Copies of any other written communications shall be available to the attorneys for the parties upon request.

B. The Parenting Coordinator shall maintain records of each meeting. These records may only be subpoenaed by order of the Judge presiding over the case. The court must review the records in camera and may release the records to the parties and their attorneys only if the Court determines release of the information contained in the records shall assist the parties in the presentation of their case at trial.

11. Confidentiality.

A. There is no confidentiality concerning communications between the parents and the Parenting Coordinator. As required by the Court, the Parenting Coordinator may communicate with custody evaluators, therapists or other individuals investigating the issues. The Parenting Coordinator shall comply with the law to report child abuse, and threats of abuse against another person. In cases involving domestic violence, the Parenting Coordinator and legal counsel (or the parents themselves, if not represented) shall address to the Court any safety concerns, subject to the prohibition against ex parte communication.

B. By signing this Order each party agrees to allow the Parenting Coordinator to review documentation filed with the Court or received into evidence, voluntarily released by the parties, or released by Order of the Court about his/her and their child/ren from the physician(s), therapist(s), teacher(s), evaluator(s), previous Parenting Coordinators and other professionals involved in this case (except for the attorney representing him/her). Each party also agrees to allow the Parenting Coordinator to **speak with his or her attorney and other collateral sources as the Parenting Coordinator deems appropriate.** The Parenting Coordinator, however, is not authorized to share the materials or discuss confidential information with anyone outside the case. This waiver does not extend to other privileges recognized by law.

12. Involvement of Parenting Coordinator in Litigation.

Only the Judge presiding over the case may subpoena the Parenting Coordinator to appear and testify at a Court hearing or deposition. The Judge presiding over the case shall determine the allocation between the parents for the Parenting Coordinator's fee. Records of the Parenting Coordinator may only be subpoenaed by order of the Judge presiding over the case. The Court must review the records in camera and may release the records to the parties and their attorneys only if the Court determines release of the information contained

in the records will assist the parties with the presentation of their case at trial.

13. Quasi-Judicial Immunity.

The Parenting Coordinator acts as a quasi-judicial officer in his/her capacity pursuant to this Order, and, as such, has immunity consistent with North Carolina law as to all actions undertaken pursuant to the Court appointment in this Order. This immunity applies to all acts done by the Parenting Coordinator during the appointment and until the Parenting Coordinator is given notice of his/her termination. The immunity continues to apply to acts required by the Court to conclude the Parenting Coordinator's duty after termination.

14. Fees.

A. The Court finds that the parents have the financial capacity to pay for the Parenting Coordinator. The parties shall pay the Parenting Coordinator for all of his/her time and costs incurred in processing the case. This includes time spent reviewing documents and correspondence, meetings and telephone calls with parents, attorneys, and other professionals involved in the case, and deliberation and issuance of decisions. Costs shall include long-distance telephone calls, copies, fax charges, and all other similar costs incurred by the Parenting Coordinator pursuant to this Order. In addition, the parents shall pay for time spent by the Parenting Coordinator in any hearing, settlement conference report writing, or other Court appearance that the Parenting Coordinator's presence is requested or required. Nonpayment of fees may subject the nonpaying parent to prosecution for indirect contempt of Court for failure to abide by the Order. Prior to the first appointment, the parents shall provide the Parenting Coordinator with any deposit required by the Parenting Coordinator.

B. The Parenting Coordinator's hourly fee shall be paid as follows: Father shall pay _____% and Mother shall pay _____%. This Parenting Coordinator may modify this allocation, or may recommend to the Court that the allocation be modified if the Parenting Coordinator finds that one parent is using his/her services unnecessarily and, as a result, is causing the other parent greater expense; or if one parent is acting in bad faith. Ultimately, the Court shall determine the proper allocation of fees between the parents and may require reimbursement by one parent to the other parent of any payment made to the Parenting Coordinator. Either parent may request the fees be reallocated at any time during the Parenting Coordinator's term of appointment, unless good cause is shown for failing to appear at the appointment.

C. If one parent pays 100% of the Parenting Coordinator's fee, then that party has absolute right of indemnification against the other parent up to the percentage allocation that the other parent was responsible for. This reimbursement may be enforced by contempt.

D. The Parenting Coordinator shall not begin any duties until the fee has been paid.

DATED this _____ day of _____, 200__.

Judge of District Court

Both parties have agreed (stipulated) to the terms of this Order:

Plaintiff/Petitioner(signature)

Defendant/Respondent (signature)

Attorney for Plaintiff/Petitioner

Attorney for Defendant/Respondent

