

# Parenting Coordinators and Rule 17 GALs

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Chief Judge Samantha Cabe  
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What is a parenting coordinator?

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- N.C. Gen. Stat. Chapter 50, Article 5  
G.S. 50-90, et. seq.

- A person appointed by the court to aid the parties in complying with the custody order and to resolve disputes regarding issues not addressed in the custody order



What can a PC  
do?

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## Authority of PC

- **“The authority of the parenting coordinator shall be specified in the court order appointing the parenting coordinator”**
  - GS 50-92
- The order appointing the parenting coordinator shall specify the terms of the appointment and the issues the parenting coordinator is directed to assist the parties in resolving and deciding.
  - GS 50-91
- The court retains exclusive jurisdiction to determine fundamental issues of custody, visitation, and support, and the authority to exercise management and control of the case.
  - GS 50-91

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## PC Authority

- Authority is limited to that set forth in appointment order which “shall be limited to” matters that will aid the parties in complying with the custody order, resolving disputes regarding issues not addressed in the custody order, or ambiguous or conflicting terms in the custody order.
- Specific examples set out in GS 50-92(a)

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When can a parenting coordinator be appointed?

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## GS 50-91

- The court can appoint or reappoint a PC any time on or after the entry of a Chapter 50 custody order other than an ex parte order, or upon entry of a contempt order involving the issue of custody:
  - Upon consent of parties to appointment and to the PC’s authority
  - Upon motion of a party, or
  - Upon court’s own motion
- A finding of substantial change in circumstances is not necessary



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## GS 50-91

- If parties do not consent, court must find:
  - The case is a high-conflict case
  - The appointment of a PC is in the best interest of the child, and
  - The parties are able to pay the cost of the PC
- For example of sufficient findings, see *Jackson v. Jackson*, 192 NC App 455 (2008)

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What is a high-conflict case?

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When is a PC in the best interest of the child?

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How do you determine parties have ability to pay?

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# Who can be a PC?

## Qualifications

- GS 50-93

PC shall be selected from a list maintained by the district court

- GS 50-91(d)

Prior to appointment, the court or the parties shall contact the PC to determine the PC is willing to accept the appointment

- GS 50-91(d)

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# Appointment conference: GS 50-94

- The parties, their attorneys, and the proposed PC must attend the conference
- Conference not required if just extending an appointment, replacing the PC, or everyone consents to waiver of the conference by signing the appointment order
- During conference, the court shall:
  - Explain role of PC
  - Determine the financial arrangements
  - Inform parties re communication with PC, and
  - Enter the appointment order

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# Decisions by PC

PC shall decide any issue within the scope of the PC's authority, and the decision shall be enforceable as a court order.

Parties must comply with PC decision unless the court, after a review hearing, determines that:

- The decision by the PC is not in the child's best interests, or
- The decision exceeded the PC's authority

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# Enforcement of PC decision or fee: GS 50-97

PC files a report, or a party files a motion

If party is failing to comply with decision by PC or with custody order, or not paying PC fee, court may issue show cause for contempt

Upon filing of report by PC, court must conduct an expedited hearing within 4 weeks of the report

Court can issue a temporary custody order

- See also *Tankala v. Pithavadian*, 248 NC App 429 (2016)(trial court order to enforce PC decision was an "implementation" of custody order rather than a modification).

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## Termination of PC

Decisions by PC will remain in effect as long as the custody order remains in effect, even after end of PC's term, unless PC, subsequent PC, or the court modifies the decision

- GS 50-92(b)

The court can terminate the PC or modify the PC appointment for good cause, upon motion of a party, the PC or on the court's own motion.

- GS 50-99

## Rule 17 GAL

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## GS 1A, Rule 17(b)(3)

- “[A] guardian ad litem for an infant or incompetent person may be appointed in any case when it is deemed by the court in which the action is pending expedient to have the infant, or insane or incompetent person so represented, notwithstanding such person may have a general or testamentary guardian.”



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## *Van Every v. McGuire*, 125 NC App 578 (1997)

- The trial court has authority pursuant to Rule 17 to appoint a GAL to represent the interest of the child in a Chapter 50 custody proceeding.
- The costs of the GAL are assessed as court costs and allocated between the parties.
- The GAL is to “insure that a child’s interests are adequately investigated and presented to the court.”
  - *West v. Marko*, 141 NC App 688 (2001)

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## Rule 17 GAL




Rule 17 does not specify the role of the GAL, so the order appointing the GAL must list the specific tasks and services the court wants the GAL to perform



An attorney must decline the appointment unless the order identifies the lawyer's role and responsibilities

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When do you appoint a GAL?  
Who do you appoint?  
What do you tell them to do?

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