

## Chapter 16 - Parenting Coordination

### Rule 16.01 - General

- (A) Parenting coordination is a child-focused alternative resolution process intended and designed to aid parties in implementing their parenting plan or parenting time order by facilitating the resolution of their disputes in a timely manner, assisting parties in regards to 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.
- (B) The overall objective of parenting coordination is to assist high conflict parties to implement their parenting plan, to monitor compliance with the details of the plan, to resolve conflicts regarding children and the parenting plan in a timely manner, and to protect and sustain safe, healthy, and meaningful parent-child relationships.
- (C) A Parenting Coordinator's role arises after the Court's decision (Entry) has been journalized and after the guardian ad litem has completed their role in the case if a guardian ad litem was assigned.
- (D) The scope of the Parenting Coordinator's duties is expressly determined by the Court's Order to appoint a Parenting Coordinator on a per case basis. The Parenting Coordinator ("PC") role is most frequently reserved for those high conflict parties who have demonstrated their long-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.
- (E) Because the PC makes recommendations and/or decisions for the parties and reports to the Court, the PC is appointed by and is responsible to the Court. This assignment is a serious issue, and the Court will only appoint qualified professionals. A Parenting Coordinator will not be appointed as the Guardian ad Litem in subsequent litigation involving the same parties and child(ren).

### Rule 16.02 - 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 five (5) 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) **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 Ohio Supreme Court.
- (C) **Application.** A prospective parenting coordinator shall submit an application requesting to provide services to the Court in the capacity of a parenting coordinator. The parenting coordinator shall submit a resume documenting compliance with certification requirements and provide an updated resume to the Court in the event of any substantive changes.

### **Rule 16.03 - 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 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 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) A Court will not appoint a PC in order 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.
- (C) **Selection.** The parenting coordinator who meets the qualifications set forth in this rule shall be selected as follows:
  - 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.

- (D) **Conflict Prohibition.** The Court shall not appoint a parenting coordinator who does not possess the qualifications set forth in 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 prohibition.
- (E) **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.

#### **Rule 16.04 - Appointment Order**

- (A) The 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 appointment;
  4. Fees and proportion to be paid by the parties;
  5. The scope of confidentiality;
  6. The parties’ responsibility for fees and expenses for services rendered by the parenting coordinator
- (B) **Termination or Modification of Appointment.** Upon Motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

#### **Rule 16.05 - Duties**

- (A) **Ability to perform.** 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) **Conflict 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.

- (E) **Ex Parte Communication.** A parenting coordinator shall not have *ex parte* communication 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.

### **Rule 16.06 - Parenting Coordinator Agreement, Reports and Decisions**

- (A) **Agreement.** Parties shall abide by agreements reached during a parenting coordination session. PC shall memorialize agreements, 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) **Decision.** 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 decision shall be signed by the PC and filed with the Clerk. The PC shall provide copies to the parties and their attorneys, if any. The decision shall include all of the following:
  - 1. Case caption, including the case number;
  - 2. Date of decision;
  - 3. The decision of the parenting coordinator;
  - 4. Facts of the dispute and facts upon which the decision is based;
  - 5. Reasons support the decision;
  - 6. The manner in which the decision was provided to the parties;
  - 7. Any other necessary information.
- (C) **Objection to PC Decision.** A party may file written objections to a parenting coordinator's decision 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 initial 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 (30) days from the date of the latest objection filed.

### **Rule 16.07 - Complaints, Evaluations, and Annual Review**

- (A) **Complaint.** A party to a case on which a parenting coordinator was appointed 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:
  - 1. the case caption and 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;
  - 5. the date the alleged misconduct or violation occurred;

The Court Administrator shall provide a copy of the complaint to the parenting coordinator. The parenting coordinator has fourteen (14) days from the date of receipt of the complaint

to respond in writing to Court Administrator. The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty (30) days of the date the complaint was received.

- (B) Program Evaluation.** The director of the PC program shall annually review the court's compliance with the Rules of Superintendence.
- (C) Annual Review.** Director of PC program shall annually review the parenting coordinators on the Court's roster. Review shall include input from Court staff and Medina County Bar Association members who practice in this Court. 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 including the sponsor, titled date and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied.