

## **2.11 PARENTING COORDINATION**

NEW 01/01/2016; UPDATED 01/29/2020; UPDATED 08/29/2022

### **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 O.R.C. Chapter 2710, O.R.C. § 3109.052, or Sup.R. 16. Parenting Coordination is governed by Sup.R. 16.60-16.66.

“Parenting coordinator” is a court ordered individual who conducts parenting coordination. The parenting coordinator may work in the community or in the court.

### **Ordering of Parenting Coordination**

#### **A. Reasons to Order Parenting Coordination**

The Court may order parenting coordination, sua sponte or upon written motion of 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 previous litigation or other interventions has not resolved 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 a court order, to maintain age-appropriate contact with both parties, and the parties are unable to reach agreement on the parenting time schedule without Court intervention;
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, and the parties are unable to reach agreement without Court intervention;
5. One or both parties suffer from a medical or a psychological condition or disability that results in an inability to reach agreements or adjustments in the parenting time schedule without assistance, even when minor in nature; or
6. Any other factor the Court determines.

## **B. Reasons Not to Order Parenting Coordination**

A Court shall not order parenting coordination to determine the following:

1. Changes in the designation of the residential parent or legal custodian;
2. Change in school placement of a child, in the case of shared parenting;
3. Substantive changes in parenting time;
4. Modification of child support, allocation of tax exemptions or benefits or division of uncovered medical expenses; or
5. Grant, modify, or terminate a protection order or penalty for violation of a protection order.

## **Parenting Coordinator Requirements**

### **A. General Education and Training**

Prior to a Court appointment, a parenting coordinator shall meet 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 three years of professional experience with situations involving children, including, counseling, casework, legal representation in complex family law matters, serving as a guardian ad litem or mediator, or other equivalent experience satisfactory to the Court;
3. Complete the Supreme Court of Ohio approved training:
  - a. Fundamentals of Mediation Training;
  - b. Specialized Family or Divorce Mediation Training;
  - c. Specialized Domestic Abuse Issues in Mediation Training; and
  - d. Parenting Coordination Training.

### **B. Continuing Education**

To maintain eligibility for appointment, a parenting coordinator shall complete at least six hours per calendar year of education related to children, families, mediation or diversity.

1. Diversity training may include awareness and responsiveness, cultural and racial diversity, and the effects of a parenting coordinator's personal biases, values and styles on the parenting coordination process.
2. The continuing education may include continuing education for lawyers, social workers, or other licensed mental health professionals and professional development events that are acceptable to the Court.

### **C. Community Parenting Coordinators**

1. All Community parenting coordinators must complete and submit the Application for The Parenting Coordinator Appointment List (Form DR 2.50) to the Director of the Dispute Resolution Department. The application shall include:
  - a. A resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of the parenting coordinator;
  - b. Background Disclosure Statement (Form DR 2.51);
  - c. Proof of malpractice insurance;
  - d. Complete a Court orientation; and
  - e. The Court may assign a mentor as deemed necessary;
2. If a community parenting coordinator is appointed to a case for which the parenting coordinator is paid, the parenting coordinator must agree to accept 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.

### **D. Parenting Coordinator Annual Reporting and Review:**

1. A parenting coordinator shall provide copies of all reports and decisions to the Dispute Resolution Department;
2. On or before January 1st of each year, a parenting coordinator shall provide to the Director of the Dispute Resolution Department:
  - a. A list of active parenting coordination cases;
  - b. An updated resume;
  - c. Certification that he/she is unaware of any circumstances that would disqualify him/her from serving as a parenting coordinator; and

- d. A list of continuing education 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 these requirements are satisfied.

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.

#### **E. 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:

1. A copy of this Local Rule;
2. A copy of the Court's current roster of parenting coordinators;
3. A copy of new or updated resume for each parenting coordinator submitted to the Court during the previous year; and
4. A copy of continuing education training for each parenting coordinator.

#### **Parenting Coordinator Appointment**

##### **A. Parenting Coordinator Appointment Order**

The Court's appointment order shall include the following:

1. The name and contact information of the parenting coordinator and the definition and purpose of the parenting coordinator;
2. The scope of authority of the parenting coordinator;
3. The term of the appointment:
  - a. Court PC: not to exceed 6 months, and is renewable after one 6 months period;
  - b. Community PC: not to exceed 12 months, and is renewable after each 12 months period;
4. The scope of confidentiality;
5. Allocation for payment of the parenting coordinator's fees and expenses;

6. Procedures for decision-making of the parenting coordinator;
7. Procedures for objections to parenting coordinator decisions;
8. Other provisions the Court considers necessary and appropriate; and
9. An order requiring the parties to contact the parenting coordinator within a time period.

### **B. 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; or
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.

### **C. Prohibited Parenting Coordinator Appointments**

The Court shall not appoint a parenting coordinator who does not possess the qualifications in this Local Rule, or who 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.

### **D. Termination or Modification of Parenting Coordinator Appointment**

Upon motion of a party, for good cause shown, or at the parenting coordinator's request in a written decision, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

### **Parenting Coordinator Responsibilities:**

#### **A. Model Standards**

A parenting coordinator shall comply with the "2019 Revised Guidelines for Parenting Coordination" the Association of Family and Conciliation Courts Task Force on Parenting

Coordination developed. Wherever a conflict exists between the guidelines and this Local Rule, this Rule shall control.

### **B. Satisfaction of Education and Training Requirements**

A parenting coordinator shall meet the qualifications and comply with all education and training requirements of Sup.R. 16.64 and Local Rule.

### **C. Competence or Ability to Perform Duties**

A parenting coordinator shall report to the Court any activity that would adversely affect the parenting coordinator's ability to perform the functions as parenting coordinator. A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:

1. The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator; or
2. Personal circumstances, including but not limited to medical, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.

### **D. Compliance with Appointment Order**

A parenting coordinator shall comply with the requirements of and act in accordance with the Court's appointment order.

### **E. 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.

### **F. Conflicts of Interest**

1. A parenting coordinator shall avoid any actual or apparent 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 a parenting coordinator may directly or indirectly benefit except from compensation for services as a parenting coordinator.
2. Upon becoming aware of any actual or apparent conflict of interest, a parenting coordinator shall notify 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.

3. A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

### **G. Ex parte Communications**

A parenting coordinator shall have no ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

### **H. Legal Advice**

A parenting coordinator shall not offer legal advice.

### **I. Confidentiality, Privilege and Public Access**

1. Confidentiality: Except as provided by law, communications made between parenting coordinator, parties, other relevant parties and the court shall not be confidential.
2. Privilege: Except as provided by law, parenting coordination communications shall not be privileged.
3. Public Access to parenting coordinator files: Parenting coordinator files not filed with the Clerk of Court or submitted to the Court are unavailable for public access pursuant to Sup.R. 44 through 47.

### **J. Recordkeeping of Fees and Costs**

A parenting coordinator shall maintain records necessary to document charges for services and expenses. A parenting coordinator shall issue invoices for services and expenses to parties no less than once per month.

### **K. Disclosure of Abuse, Neglect, and Harm**

1. A parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to another family member, third party protective services, law enforcement, or other appropriate authority; and
2. A parenting coordinator shall report child abuse or neglect pursuant to the procedures in O.R.C. § 2151.421.

### **Parenting Coordination Procedures:**

#### **A. Screening for Domestic Abuse and Domestic Violence**

Parenting coordination is prohibited when domestic abuse or domestic violence is alleged, suspected, or present unless all of the following conditions are satisfied:

1. Screening is conducted, both before and during parenting coordination, for domestic abuse and domestic violence and for the capacity of the parties to engage in parenting coordination;
2. The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the parenting coordination process; the right to decline participation in the parenting coordination process; and, at the discretion of the parenting coordinator, the right to have any other individuals attend and participate in the parenting coordination sessions;
3. The parties have the capacity to participate in the parenting coordination process without fear of coercion or control;
4. The parenting coordinator takes reasonable precautions to create a safe environment for the parties and all other persons involved in the parenting coordination process; and
5. Procedures are in place for the parenting coordinator to terminate a parenting coordination session if there is a threat of domestic abuse, domestic violence or coercion between the parties.

## **B. Fees**

### **Court Parenting Coordinator**

1. The Court shall determine fees in the appointment order.
2. The Court shall waive the cost of a court parenting coordinator with a verified Affidavit of Indigency.

### **Community Parenting Coordinator**

1. Submit information annually regarding his/her fee structure to the Court for inclusion on the Court's roster of parenting coordinators. Court's Referral List, Form DR 2.53, lists community parenting coordinators and their fees.
2. Execute a contract for services with the parties.
3. Set and collect fees for services. The community parenting coordinator and the parties must agree upon the compensation for the billable time of a community parenting coordinator.
4. Submit a monthly billing statement to the parties.



### **C. Stay of Proceeding**

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;  
or
9. A motion to remove a parenting coordinator.

### **D. Parties' Attendance and Participation**

1. Parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order.
2. Parties shall attend scheduled parenting coordination sessions. The parenting coordinator has the authority to approve or to disapprove any request to reschedule parenting coordination sessions.
3. 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.
4. Parties shall notify the parenting coordinator and the Court of any changes to address, telephone number, and electronic mail address.
5. The parenting coordinator may notify the Court of noncompliance and request that sanctions be levied against offending parties.

### **E. 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.

### **F. 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.

### **G. Referrals to Support Services**

1. A parenting coordinator may provide the parties information regarding appropriate referrals to community resources, such as legal counsel, counseling, parenting courses or education.
2. The parenting coordinator shall provide necessary support services to the parties concerning victims and suspected victims of domestic abuse and domestic violence.

### **H. Parenting Coordination Agreements and Decisions**

1. **Agreements.** Parties shall sign and comply with 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. **Decisions** (Form DR 2.57). 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 until further order of the Court. The parenting coordinator shall provide copies to the Dispute Resolution Department, 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. All filing fees shall be waived for the parenting coordinator. The decision shall 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; and
- g. Any other necessary information.

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 (14) days of the filing date of the decision. If a party files objections timely, the other party may also file objections with the Clerk of Court and serve all other parties to the action, not later than ten (10) days after the first objections are filed. A hearing will be scheduled, upon request, or at the discretion of the Court. A judge or magistrate shall issue a ruling.

## **I. Parenting Coordinator Review and Complaints**

1. 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.
2. 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; and
  - e. The date the alleged misconduct or violation occurred.
3. The Director of the Dispute Resolution Department shall provide a copy of a complaint to the parenting coordinator. 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 Dispute Resolution Department.
4. The Director of the Dispute Resolution Department shall investigate alleged misconduct or violations and shall issue a response within thirty (30) days from the date the complaint was received.
5. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.

## **J. 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. The parenting coordinator may also file a motion for contempt for failure to pay. All filing fees shall be waived for the parenting coordinator.