

NORTH CAROLINA  
GUILFORD COUNTY  
(HIGH POINT DIVISION)

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_ CvD \_\_\_\_\_

\_\_\_\_\_, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
\_\_\_\_\_, )  
 )  
Defendant. )

**ORDER**  
**(APPOINTING PARENT COORDINATOR)**

**THIS MATTER CAME BEFORE THE COURT** on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, before the undersigned Judge of the District Court for the appointment of a Parent Coordinator. The Court, having reviewed the file and considered the premises, finds that the facts of this case merit an appointment of a Parenting Coordinator. The Court finds as fact the following:

**FINDINGS OF FACT**

1. Present at the Appointment Conference were the Plaintiff, Plaintiff's Counsel \_\_\_\_\_, Defendant, Defendant's counsel \_\_\_\_\_ and \_\_\_\_\_, Parent Coordinator.
2. The parties Consent to appointment of a Parent Coordinator.

**OR**

2A. The Court is appointing a Parent Coordinator due to the issues that have been brought before the Court and the level of conflict between the parties in this case that are negatively affecting the parties' child/ren.

**OR**

2B. The Court has entered a temporary custodial/visitation Order and deems it appropriate for the parties to work with a Parent Coordinator to assist with effectuation thereof until further Orders are entered.

3. **EXISTING ORDER(S)**. The parties are currently operating under the provisions of a custody/visitation order entered on \_\_\_\_\_.

4. The child/ren involved in this proceeding are:

\_\_\_\_\_, age \_\_\_\_\_, born \_\_\_\_\_  
\_\_\_\_\_, age \_\_\_\_\_, born \_\_\_\_\_  
\_\_\_\_\_, age \_\_\_\_\_, born \_\_\_\_\_  
\_\_\_\_\_, age \_\_\_\_\_, born \_\_\_\_\_

5. The Court finds that the parties have the financial capacity to pay for the Parent Coordinator.

Based on the foregoing Findings of Fact, the Court makes the following:

### CONCLUSIONS OF LAW

1. The Court has jurisdiction over the parties and subject matter hereof and has authority to enter this Order.

2. It is in the child/ren's best interest and assists with the efficiency in administration of justice in this matter that a Parent Coordinator be appointed to assist the parents in resolving conflict in a way that is beneficial to their child/ren.

Based on the foregoing Findings of Fact and Conclusions of Law it is **ORDERED, ADJUDGED AND DECREED** as follows:

1. \_\_\_\_\_ is hereby appointed as the Parent Coordinator in this matter. The parties shall cooperate with the Parent Coordinator and follow the terms specified in this Order.

2. The term of the Parent Coordinator's service shall be (\_\_\_\_\_*months/ year*)s,( *until relieved by Court Order*) from the date of receipt of retainer from both parties. If the Parent Coordinator requests to withdraw, then the Court shall appoint another Parent Coordinator who is agreeable to both parties. If the Court terminates the appointment prior to the expiration date, notice shall be given to the parties and Parent Coordinator, and a hearing held.

3. The Parent Coordinator shall have the authority outlined in Rule 22 of the Case Management Rules for the District Court of the Eighteenth Judicial District, which are incorporated herein by reference. The Parent Coordinator shall assist the parents in promoting the minor children's best interests and needs. Specifically the Parent Coordinator shall:

A. Assist the parents in implementing the parenting plan or custody and visitation Order while containing or reducing conflict.

B. Assist with the execution of residence and visitation plans specified in mutual agreements or Orders.

C. Monitor the parenting plan and mediate disputes.

- D. Identify issues, clarify priorities and explore possibilities of compromise.
- E. Teach parents communication skills, principles of child development and children's issues in divorce.
- F. Ensure that both parents maintain ongoing relationships with their children.
- G. Develop methods of collaboration in parenting.
- H. Act as a temporary decision maker in the implementation of the parenting plan on any issue not specifically governed by the Court's Order over which the parents reach an impasse, until further Order from the Court. The Parent Coordinator is also authorized to make minor changes in the parenting plan to facilitate resolution of issues that arise, including the following:
- (1) Transition dates/time/pickup/deliver
  - (2) Sharing of vacations and holidays
  - (3) Method of pickup 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: \_\_\_\_\_
- I. Provide attorneys of record and any unrepresented party with written summaries of developments in the case following each meeting with the parties.
- J. Request a modification of the custody/visitation Order if fundamental changes in the parenting plan are deemed in the best interest of the minor child/ren; and
- K. Empower the parents to successfully resolve conflicts over their children on their own.

4. The parties must comply with the PC decision until the Court reviews the decision. The PC, any party, or the attorney for either party may request an expedited hearing to review a PC's decision.

5. The Parent 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.
- \* interventions for minor child/ren including the appointment of an attorney or therapy

6. The Parent Coordinator may recommend changes in the Parent Coordinator's decision-making power to better accommodate the needs of the parties or their child/ren that may arise during the parenting coordination.

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

7. 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.

Upon receipt of such notice as listed in paragraph A or B above, the Court shall schedule a hearing and review the matter no later than two weeks following receipt of the report in the same manner as general Orders to Show Cause for Contempt or Emergency Orders.

8. **APPOINTMENTS WITH PARENT COORDINATOR.**

A. The Parent Coordinator shall not schedule initial appointments until this appointment order has been entered.

B. The Parent Coordinator may set a time and place for a brief informational meeting.

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

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

**9.. DECISION MAKING PROCESS.**

A. Both parents shall abide by rules and procedures set forth by the Parent Coordinator for the scheduling and conducting of meetings. The Parent 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 Parent Coordinator has discretion to allow either parent to appear by telephone.

B. The Parent 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 Parent 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 Parent Coordinator is authorized to interview the child/ren privately in order to ascertain the child/ren's needs/positions on the issues involved.

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 Parent Coordinator within fifteen (15) calendar days of the request. The Parent 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.

**10. COMMUNICATION.**

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

B. The Parent 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 Parent Coordinator may talk with each parent without the presence of either counsel.

C. The Parent 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 Parent Coordinator.

11. All agencies and the parties are hereby ordered to cooperate with the Parent Coordinator in the fulfillment of his/her responsibilities.

12. **PARENTING COORDINATOR RECORDS.**

A. The Parent 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.

C. The Parenting Coordinator's records may only be subpoenaed by order of the judge presiding over the case, pursuant to G.S. §50-98(6). 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.

13. **CONFIDENTIALITY.**

A. There is no confidentiality concerning communications between the parents and the Parent Coordinator. As required by the Court, the Parent Coordinator may communicate with custody evaluators, therapists, or other individuals investigating the issues. The Parent Coordinator shall comply with the law to report child abuse and threats of abuse against another person. In cases involving domestic violence, the Parent 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 Parent 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 Parent Coordinators, and other professionals involved in this case (except for the attorney representing him/her). Each party also agrees to allow the Parent Coordinator to discuss issues contained in such files with the professional who keeps the file. The Parent 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.

14. **INVOLVEMENT OF PARENT COORDINATOR IN LITIGATION.** Before any party or party's attorney may employ discovery requests of a Parent Coordinator, permission must be given by the Court that such specific discovery requests may issue, including subpoenas, for documents or for deposition. If either parent wishes the Parent Coordinator to testify at hearing or deposition other than to give a report on findings, the parent will be required to deposit in advance a reasonable fee to cover the hourly rate of the Parent Coordinator.

15. **QUASI-JUDICIAL IMMUNITY.** The Parent 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 Parent Coordinator during the appointment and until the Parent Coordinator is given notice of his/her termination. The immunity continues to apply to acts required by the Court to conclude the Parent Coordinator's duty after termination.

16. **FEES.**

A. The parties shall pay the Parent 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, as well as deliberation and issuance of decisions. Costs shall include long-distance telephone calls, copies, fax charges, and all other similar costs incurred by the Parent Coordinator pursuant to this Order. In addition, the parents shall pay for time spent by the Parent Coordinator in any hearing, settlement conference, report writing, or other Court appearance that the Parent Coordinator's presence is requested or required. Prior to the first appointment, the parents shall provide the Parent Coordinator with any deposit/retainer required by the Parent Coordinator. The retainer for each parent is: \$\_\_\_\_\_ Plaintiff and \$\_\_\_\_\_ Defendant which shall be paid by \_\_\_\_\_. The parties shall appear before the Court on \_\_\_\_\_ if the specified retainer has not been paid as due.

B. The Parent Coordinator's hourly fee shall be paid as follows: Father shall pay \_\_\_\_\_% and Mother shall pay \_\_\_\_\_. The Parent Coordinator may modify this allocation, or may recommend to the Court that the allocation be modified if the Parent 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 any payment made to the Parent Coordinator. Either parent may request the fees be reallocated at any time during the Parent 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 Parent 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 have the discretion to charge either party separately for individual contacts with that party or joint contacts made necessary by that party's behavior.

E. The Court shall have the power to review and enforce the payment of the fees of the Parenting Coordinator. Nonpayment of fees may subject the nonpaying parent to prosecution for indirect attempt of Court for failure to abide by the Order.

**ORDERED ENTERED** this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
HONORABLE DISTRICT COURT JUDGE

AGREED AND STIPULATED TO BY:

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

REVIEWED BY:

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant