

COUNTY OF _____

In the General Court of Justice
District Court Division

CONSENT ORDER
APPOINTING
PARENTING COORDINATOR
(#16 revised and #17 added, effective 8/1/2007)

_____,
Plaintiff,
v.
_____,
Defendant.

THIS CAUSE, coming on to be heard, and being heard before the undersigned District Court Judge on _____ for the appointment of a Parenting Coordinator, hereinafter referred to as "PC.". The court makes the following **FINDINGS OF FACT**:

1. This action concerns issues involving child custody and visitation with one or more minor children with the following names and relationships to the parties listed:

<u>PARTY</u>	<u>NAME</u>	<u>RELATIONSHIP TO CHILD(REN)</u>
Plaintiff #1	_____	_____
Plaintiff #2	_____	_____
Defendant #1	_____	_____
Defendant #2	_____	_____
Intervenor #1	_____	_____
Intervenor #2	_____	_____
Intervenor #3	_____	_____
Intervenor #4	_____	_____

2. The parties are currently operating under the child custody and visitation order which was entered on _____, _____. The order is: Temporary as to child custody visitation Permanent as to child custody visitation. The child(ren) involved in the proceeding are:

_____	Age _____	DOB _____	Custodian _____
_____	Age _____	DOB _____	Custodian _____
_____	Age _____	DOB _____	Custodian _____
_____	Age _____	DOB _____	Custodian _____

3. A Protective Order *has* *has NOT* been entered between the parties. The Protective Order, _____ County, File No. _____ is modified to allow limited contact for the purposes of parenting coordination, provided the following limits apply: _____.

4. **JURISDICTION.**
a. This court has jurisdiction over child custody and parenting issues pursuant to N.C.G.S. §Ch. 50-A, *et seq.*
b. The parties agree, and the court so finds, that appointment of a PC is necessary to assist the parents in implementing the terms of the existing child custody and parenting order for the specific issues listed in paragraph 5 below.

5. **PARENTING COORDINATOR.** _____, or his/her successor, is appointed PC. The parties shall cooperate with the PC and follow the terms specified in this order.
6. **TERM/SUCCESSION.** The term of the PC's service shall be for a period of ____ months ____ years from the date of this order. If the PC requests to withdraw, the PC shall give notice and serve all parties and a hearing shall be held to appoint another PC who is agreeable to both parties. If the Court terminates the appointment prior to the expiration date, notice shall be given to the PC, and a hearing held.

7. **ISSUES SUBJECT TO PARENT COORDINATION.**

- a. *General Authority:* In addition to the responsibility of the PC as defined in the Local Rules, the PC will: (1) assist parents in implementing the custody/visitation court order; (2) reduce conflict between parties; and, (3) teach parents communication skills, child development and child issues specific to divorce.
- b. *Areas of Domain:* The PC can make minor changes in the following areas:

- | | |
|---|---|
| 1. <input type="checkbox"/> Discipline | 9. <input type="checkbox"/> After school/enrichment activities |
| 2. <input type="checkbox"/> Health care management | 10. <input type="checkbox"/> Transition time/pick-up/delivery |
| 3. <input type="checkbox"/> Schedule alterations | 11. <input type="checkbox"/> Sharing of vacations and holidays |
| 4. <input type="checkbox"/> Bed time | 12. <input type="checkbox"/> Method of pick-up and delivery |
| 5. <input type="checkbox"/> Diet | 13. <input type="checkbox"/> Transportation to and from visitation |
| 6. <input type="checkbox"/> Clothing | 14. <input type="checkbox"/> Participate in visitation (significant other, relatives, etc.) |
| 7. <input type="checkbox"/> Recreation | 15. <input type="checkbox"/> Other: |
| 8. <input type="checkbox"/> Participation in child care/daycare, baby sitting | 16. <input type="checkbox"/> Other: |

- c. *Decision making power.* In order to carry out the general authority granted to the Parents, the following specific issues are submitted to the PC for decision:

- (1)
- (2)
- (3)
- (4)
- (5)

8. **ROLE OF PARENTING COORDINATOR.**

- a. *Decisions:* The PC shall decide any issue set forth in paragraph 5 within the scope of his/her authority by an appropriate dispute resolution method. During this process, the PC may coach and educate the parents about ways to better communicate about the child(ren) and about child(ren) development issues.
- b. *Recommendations:*
- (1) The PC may recommend to the court that the parents participate in any of the following interventions:
 - a. Therapy, recognizing that couples' counseling is not appropriate in cases involving domestic violence;
 - b. Treatment programs, including batterer's intervention courses; mediation;
 - c. Custody/parent time evaluation;
 - d. Programs for high conflict parents, anger management, etc.; and
 - e. Interventions for minor child(ren) including the appointment of an attorney or therapy.
 - (2) The PC may recommend changes in parents' PC's decision making power to better accommodate the needs of the parties or their children that may arise during the parenting coordination if the PC believes the current order is not in the child(ren)'s best interest.
 - (3) Any recommendations 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 PC within two (2) weeks.

(4) Resolutions. The primary role of the PC 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 PC 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 with paragraph 5, then the PC shall set the agreement forth as a recommendation.

9. APPOINTMENTS WITH THE PARENTING COORDINATOR.

- a. The PC may set a time and place for a brief information meeting.
- b. Future appointments with the PC 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 PC.
- c. The PC shall notify the court, with copies to the parties and/or their attorneys, if either party refuses to cooperate.
- d. The parent shall provide all records, documentation and information requested by the PC within fifteen (15) calendar days of the request. The PC 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 the court.

10. COMMUNICATION.

- a. The PC shall send written summaries of each meeting to all parties and their attorneys.
- b. The PC may communicate *ex parte* with the parents, their attorneys and other professionals involved in the case. This applies to both written and oral communications. The PC may talk with each parent without the presence of either counsel.
- c. The PC shall not communicate *ex parte* with the judge hearing the case.
- d. The PC 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.
- e. Any party involved in any legal action that affects this order shall notify the PC.

11. NARRATIVE. The PC shall send written summaries of each meeting to all parties and their attorneys.

12. CONFIDENTIALITY.

- a. There is no confidentiality concerning communications between the parents and the PC. As required by the court, the PC may communicate with custody evaluators, therapists or other individuals investigating the issues. The PC shall comply with the law to report child abuse and threats of abuse against another person. In cases involving domestic violence, the PC 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 PC 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 PC and other professionals involved in the case (except for the attorney representing him/her). Each party, and the PC, agrees not to discuss or share any confidential information with anyone outside of the case. This waiver does not extend to other privileges recognized by law.

13. INVOLVEMENT OF PARENTING COORDINATOR IN LITIGATION. Before any party or attorney may employ discovery requests of a PC, permission must be given by the court that such specific discovery requests, including subpoenas for documents or for a deposition. If either parent wishes the PC to testify at a hearing or deposition, other than to give a report on findings, the parent will be required to deposit \$ _____ (\$ _____ / hr.) with his/her attorney for payment to the PC for their services.

14. IMMUNITY. The PC 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 PC during their appointment and until the PC is given notice of his/her termination. The immunity continues to apply to acts required by the court to conclude the PC's duty after termination.

15. FEES.

- a. The court finds that the parents have the financial capacity to pay for the PC. The parties shall pay the PC 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 PC pursuant to this order. In addition, the parents shall pay for time spent by the PC in any hearing, settlement conference, report writing, or other court appearance that the PC's presence is requested or required. Non payment of fees may subject the non paying parent to prosecution for indirect contempt of court for failure to abide by this order. Prior to the first appointment, the parents shall provide the PC with any deposit required by the PC.

- b. The PC's hourly fee shall be paid as follows: Father shall pay _____ % and Mother shall pay _____ %. The PC may recommend to the court that the allocation be modified if the PC 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 parties and may require reimbursement by one parent to the other of any payment made to the PC. Either parent may request the fees be reallocated at any time during the PC's term of appointment, unless good cause is shown for failing to appear at the appointment.
- c. If one parent pays 100% of the PC'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 parties agree that the PC will be paid \$_____ per hour, in addition to actual expenses as listed above, and submitted in a detailed statement to each of the parties upon completion of the PC's services.

16. **CONTRACT BETWEEN PC AND PARENTS.** The PC shall not commence his/her duties until a contract between the PC and the parents have been entered into and signed by all parties in front of a Notary Public. The contract shall be specific about all PC fees, expenses and allocation of payment from each parent. Both parties shall contact the PC within 20 days from the entry of this Order and shall, within 20 days of the entry of this Order, sign the contract with the PC and pay the contracted deposit with the PC. Both parties shall expeditiously schedule appointments with and cooperate with the PC.

17. **COMPLIANCE.** The failure or refusal of either party to comply substantially with any and all aspects of this Order shall subject said party to contempt of court and/or the possibility of being taxed with the costs and/or attorney fees.

Date: _____

District Court Judge

CONSENTED TO:

Plaintiff (*signature*)

Plaintiff's attorney (*signature*)

Defendant (*signature*)

Defendant's attorney (*signature*)