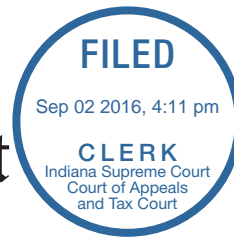


In the  
Indiana Supreme Court



Cause No. 94S00-1602-MS-86

## Order Amending Indiana Parenting Time Guidelines

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Parenting Time Guidelines are amended by the adoption of Section V as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

### SECTION V. PARENTING COORDINATION

#### A. GENERAL PROVISIONS

1. Parenting coordination is a court ordered, child-focused dispute resolution process in which a Parenting Coordinator is appointed to assist high conflict parties by accessing and managing conflicts, redirecting the focus of the parties to the needs of the child, and educating the parties on how to make decisions that are in the best interest of the child.
2. A Parenting Coordinator is an individual appointed by a Court to conduct parenting coordination.
3. "High conflict parties" are parties who have had ongoing disagreements and conflict. The disagreements and conflict center on the parties' inability to communicate and resolve issues regarding the care of the child, a parenting time schedule, or any other issues that have adversely affected the child.
4. Nothing in this guideline limits, supersedes, or divests the court of its exclusive jurisdiction to determine issues of parenting time, custody, and child support.
5. These guidelines apply to all Parenting Coordinator appointments made after the effective date of the adoption of these guidelines and do not modify an existing parenting coordination order. These guidelines do not limit a party's right to file for modification under existing Indiana law.

#### B. QUALIFICATIONS

1. The Parenting Coordinator shall be a registered Indiana Domestic Relations

Mediator, with additional training or experience in parenting coordination satisfactory to the court making the appointment.

2. An individual who does not meet the mediation registration requirements of B(1), but has served as a Parenting Coordinator in an Indiana Circuit, Superior, or Juvenile Court prior to the effective date of these guidelines, may obtain a waiver from the court in which the person served. However, a person receiving such a waiver shall fully comply with all qualification requirements within (2) years from the date these guidelines are adopted.

### **C. APPOINTMENT AND TERMS OF SERVICE**

1. A Parenting Coordinator shall serve by agreement of the parties or formal order of the court, which shall clearly and specifically define the Parenting Coordinator's scope of authority and responsibilities.

2. Simultaneously with, or after entry of a Parenting time order, the court may with consent of the parties, or on its own motion, appoint a Parenting Coordinator when it is in the child's best interest to do so.

3. When the court on its own motion appoints a Parenting Coordinator without the consent of both parties, the order appointing a Parenting Coordinator must include a written explanation why the appointment is appropriate in the case.

4. A court order is necessary to provide the Parenting Coordinator authority under these guidelines to obtain information, and serve and make recommendations as specified in the order.

5. In cases where domestic abuse or domestic violence is alleged, suspected, or present, the appointment of a Parenting Coordinator may be contraindicated. If the court appoints a Parenting Coordinator in such a case, the person who is or may be the victim of domestic abuse or domestic violence should be fully informed about the parenting coordination process and of the option to have a support person present at parenting coordination sessions. Appropriate procedures should be in place to provide for the safety of all persons involved in the parenting coordination process. Procedures should be in place for the parenting coordinator to terminate a parenting coordination session if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

6. In addition to the court order for Parenting Coordination, a written agreement between the parties and the Parenting Coordinator shall be used to detail specific issues not contained in the court order, such as fee payments, billing practices and retainers. The court has the discretion to apportion the fee between the parties absent an agreement.

7. The parties may agree on the length of appointment, but an initial term of appointment shall not exceed two years. For good cause shown, the court may extend the appointment of the Parenting Coordinator.

8. The court may terminate the service of the Parenting Coordinator at any time upon finding that there is no longer a need for the services or for other good cause. Good cause may include a finding that domestic violence issues or other circumstances exist that appear to compromise the safety of any person or the integrity of the process. The appointment may be terminated if further efforts by the Parenting Coordinator would be contrary to the best interests of the child; the child has reached the age of majority; or the child no longer lives with a party.

9. The Parenting Coordinator may provide notice to the parties and the court of his or her intent to resign at any time. The court may approve the resignation and discharge the Parenting Coordinator without a hearing unless a party files a written objection within 10 days of the notice and requests a hearing.

10. No party may terminate the services of a court appointed Parenting Coordinator without an order of the court. Absent egregious abuse of discretion or a substantial and unexpected change in circumstances, no party may request a judicial review of the appointment within the first six months of the appointment. Nevertheless, the court may terminate the appointment of a Parenting Coordinator at any time.

11. After the initial six-month period, a party may petition the court for termination of the appointment. Upon a finding that the Parenting Coordinator has exceeded his or her mandate; has acted in a manner inconsistent with this guideline; has demonstrated bias; or for other good cause the court may terminate the appointment.

12. After the initial six-month period, the parties may jointly request the termination of the parenting coordination process or motion for the modification of the terms of the appointment. Modification or termination of the terms of the appointment may be entered by the court for good cause shown as long as the modification or termination is in the best interest of the child.

#### **D. RESPONSIBILITIES OF PARENTING COORDINATOR**

1. The role of the Parenting Coordinator includes: assessing the family and the litigation history; educating the parties as to the impact their behavior has on the child; facilitating conflict management; and assisting the parties in the development of parenting plans and alternative resolutions to other disputes.

2. A Parenting Coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the court.

3. A Parenting Coordinator may communicate with the parties, their counsel of

record, the child or children involved, and the court. All communications shall preserve the integrity of the parenting coordination process and consider the safety of the parties and child. The Parenting Coordinator should adhere to any protection orders, and take whatever measures may be necessary to ensure the safety of the parties, a child and the Parenting Coordinator.

4. The Parenting Coordinator shall have the right to review documents that are pertinent to the parenting coordination process. The Parenting Coordinator shall request a release from the parties, or an order of the court, when necessary.

5. In the event the parties are not able to decide or resolve disputes on their own or with the suggestions of the Parenting Coordinator, the Parenting Coordinator is empowered to make reports or recommendations to the parties and the court for further consideration as set forth in section (E) below.

6. A Parenting Coordinator shall have no *ex parte* communications with the appointing court regarding substantive matters or issues on the merits of the case.

7. A Parenting Coordinator shall not offer legal advice.

8. A Parenting Coordinator has an ongoing duty to report any activity, criminal or otherwise, that adversely affects the Parenting Coordinator's ability to perform the functions of a Parenting Coordinator.

9. A Parenting Coordinator shall report child abuse or neglect as obligated by law.

10. A Parenting Coordinator shall inform the parties that the Parenting Coordinator will report any suspected child abuse or neglect and any apparent serious risk of harm to a family member or a third party to child protective services, law enforcement, or other appropriate authority.

11. 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.

12. A Parenting Coordinator shall not serve in multiple roles in a case that creates a conflict of interest. A person who has served as a Parenting Coordinator in a proceeding may act as a Parenting Coordinator in subsequent disputes between the parties. However, the Parenting Coordinator shall decline to act in any capacity except as a Parenting Coordinator unless the subsequent association is clearly distinct from services provided in the parenting coordination process. The Parenting Coordinator is required to utilize an effective system to identify potential conflict of interest at the time of appointment.

13. A Parenting Coordinator shall avoid any clear conflict of interest arising from any relationship or 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.

**14.** A Parenting Coordinator shall advise the appointing court and the parties of any potential conflict of interest, and of any action taken or proposed, to resolve the conflict. After the appropriate disclosure, the Parenting Coordinator may continue to serve with the written agreement of all parties. However, if a conflict of interest clearly impairs a Parenting Coordinator's impartiality, the Parenting Coordinator shall withdraw or be removed.

#### **E. REPORTS, RECOMMENDATIONS, AND COURT ACTION**

**1.** A written agreement, which seeks to modify a court order, signed by the parties and the Parenting Coordinator shall be submitted to the court for consideration within twenty (20) days of the agreement being signed. Copies of the document submitted shall be provided to the parties and their counsel. There shall be no *ex parte* communication with the court.

**2.** A Parenting Coordinator's recommendations, which are not agreed to by the parties, may be submitted by the Parenting Coordinator as a written report to the court for consideration. The written report shall include an explanation as to how the recommended change is expected to benefit the family as a whole. The Parenting Coordinator's written report must contain a certificate of service which indicates that the Parenting Coordinator has sent a copy of the report to each party and their counsel.

**3.** Any party may file with the court and serve on the Parenting Coordinator and all other parties an objection to the written report within ten (10) days after the report is filed with the court, or within another time as the court may direct.

**4.** Responses to the objections shall be filed with the court and served on the Parenting Coordinator and all other parties within ten (10) days after the objection is served.

**5.** The court, upon receipt of a report and recommendation may take any of the following three actions.

**a.** If the court finds that time is of the essence, the court may approve the recommendation and immediately adopt it as an interim order of the court. However, if a party files an objection to the recommendation, the court shall set an expedited hearing to consider the recommendation and arguments of the parties in favor of and opposing the recommendation.

**b.** The court may reject the recommendation in whole or in part. However, if a party files an objection to the recommendation or objects to the court's rejection of

all or part of the recommendation, the court shall set a hearing to consider the recommendation and arguments of the parties in favor of and opposing the recommendation.

c. The court may take no immediate action upon the recommendation. Upon the court's own motion or upon the request of any party, the court may set a hearing regarding the recommendation on the court's calendar.

6. The Parenting Coordinator shall submit a written report to the parties and their counsel at the completion of the Parenting Coordinator's services, and may also submit interim reports as appropriate.

7. All submissions to the court shall comply with Administrative Rule 9.

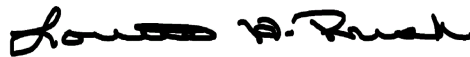
#### **F. CONFIDENTIALITY**

1. Communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties or persons, and communications with the court, shall not be confidential except as provided by law.

2. Nothing in this Guideline is intended to create a privileged or therapist-client privileged communication.

This amendment shall take effect on January 1, 2017.

Done at Indianapolis, Indiana, on 9/2/2016 .



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.