

INDIANA RULES FOR PARENTING COORDINATION
Proposed April 2011

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RULE 1. GENERAL PROVISIONS

- 1.1. A Parenting Coordinator is an impartial third party qualified under these rules, who is appointed by the court to assist parties in resolving issues and recommending solutions to disputed issues relating to parenting in any action for dissolution of marriage, legal separation, paternity, or guardianship where a minor child is involved.
- 1.2. Parenting coordination is a child-focused process in which a mental health or legal professional with mediation training and experience assists high conflict parties to implement a parenting plan by facilitating the resolution of disputes in a timely manner and educating parties about a child's needs.
- 1.3. "High conflict parents" mean parties who, in any action for dissolution of marriage, legal separation, paternity, or guardianship where a minor child is involved, demonstrate a pattern of ongoing litigation, anger and distrust, difficulty in communicating about and cooperating in the care of the child, or conditions that warrant the appointment of a parenting coordinator.
- 1.4. Simultaneously with, or after entry of a parenting time order, the court may with consent of both parties appoint a Parenting Coordinator when it is in the child's best interest to do so.
- 1.5. Nothing in this rule limits, supersedes, or divests the court of its exclusive jurisdiction to determine issues of parenting time, custody and child support.

COMMENTARY

1. The appointment of a Parenting Coordinator should be considered after other services, such as parenting classes, mediation and family counseling have failed. The appointment should be made when the parties have demonstrated a chronic inability to resolve child related issues and when the level of conflict and ongoing litigation places the child's well being at risk.

2. It is not the intent of this rule to limit the definition of "parties" to a biological or adoptive parent. It can include a grandparent, relative or third party awarded full or temporary custody of a minor child or children.

RULE 2. QUALIFICATIONS

- 2.1. The Parenting Coordinator shall at all times be a registered Indiana domestic relations mediator.

- 2.2. The Parenting Coordinator shall be a licensed mental health provider as defined at Ind. Code § 31-33-25-4, with a minimum of a master's degree in a mental health or related field, or an attorney licensed to practice law in Indiana with substantial family law practice experience.
- 2.3. The Parenting Coordinator shall have at least five years experience in their profession with high conflict or litigating parents.
- 2.4. The Parenting Coordinator shall have training in the parenting coordination process, family dynamics in separation and divorce, parenting coordination techniques, domestic violence and child maltreatment. The training shall consist of a minimum of twenty hours of Indiana Supreme Court Commission for Continuing Legal Education approved parenting coordinator training, to include at least five hours of domestic violence training.
- 2.5. A Parenting Coordinator shall maintain professional competence in the parenting coordination process. A Parenting Coordinator may participate in peer consultation or mentoring to receive feedback and support on cases.
- 2.6. An individual who does not meet the requirements of Rules 2.2, 2.3 and 2.4 of the Indiana Rules For Parenting Coordination, but who served as a Parenting Coordinator in an Indiana Circuit, Superior or Probate Court prior to January 1, 2011, does not have to comply with Rules 2.2, 2.3 and 2.4 if those requirements are waived by the court in which the person so served. However, a person receiving such a waiver shall fully comply with all of the qualification requirements of this rule within two (2) years from the date of the adoption of the rule. Such a waiver must be submitted by the court to the Indiana Supreme Court Commission for Continuing Legal Education by no later than December 31, 2011.

Commentary

1. When the degree of conflict between the parties is so extreme that the appointment of a Parenting Coordinator is appropriate, the success or benefit to the family is directly related to the training and experience of the Parenting Coordinator. The cause of the conflict between the parties will vary with each individual case. The causation could include, but is not limited to, cases where domestic violence is persistent, or when one party is chemically dependent or mentally ill. The purpose of the rule is to create uniformity throughout the state in the appointment of qualified Parenting Coordinators. Requiring compliance with educational standards and continuing education is necessary to maintain the degree of expertise required to identify the family's needs.

2. A Parenting Coordinator should also be aware of local county rules or individual court practices which specify other parenting coordination procedures.

RULE 3. TERMS OF SERVICE

- 3.1. A Parenting Coordinator shall serve by agreement of the parties and formal order of the court, which shall clearly and specifically define the Parenting Coordinator's scope of authority and responsibilities.
- 3.2. A court order is necessary to provide the Parenting Coordinator authority under these rules to obtain information, and serve and make recommendations as specified in the order.
- 3.3. 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.
- 3.4. 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.
- 3.5. 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 either party.
- 3.6. 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 either party files a written objection within 10 days of the notice and requests a hearing.
- 3.7. Neither party may terminate the services of the Parenting Coordinator without an order of court. Absent egregious abuse of discretion or a substantial and unexpected change in circumstances, neither party may request a judicial review of the appointment within the first six months of the appointment.
- 3.8. 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 Rule; has demonstrated bias; or for other good cause the court may terminate the appointment.
- 3.9. 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.

- 3.10. A denial of a party's request, or the parties' joint request for the termination of the parenting coordination process shall be considered a final judgment for purposes of appeal.

Commentary

1. Under these rules the parties must agree to the appointment of the Parenting Coordinator. Prohibiting either party from terminating the appointment within the first six months may appear to be contrary to the voluntary nature of this process. This time period is necessary in order to give the Parenting Coordinator and the parent's sufficient opportunity to become acquainted and to give the process a chance. The appointment is intended as a non-adversarial child-focused dispute resolution process designed to assist high conflict parents in settling disputes regarding a child in a timely manner, to monitor and facilitate compliance with a parenting plan or court order and to reduce the amount of damaging conflict to which the child is exposed. The benefit to a family may not always be instantaneous and could take some time to evolve. Allowing a party to terminate the services of the Parenting Coordinator after the first attempt goes contrary to that party's position would render the entire process futile. A six-month commitment is considered the minimum amount of time needed to determine if the appointment could be beneficial to a family.

2. It is intended that the costs related to the appointment of the Parenting Coordinator be established through a private agreement between the parties and the Parenting Coordinator. These rules require the parties to agree to the appointment, consequently the cost of the appointment is presumed to have been taken into consideration. The Parenting Coordinator may accept or establish a sliding fee scale based on the parties' respective incomes. The court also has the discretion to apportion the fee between the parties. The court can consider whether there are other funds available to pay for a Parenting Coordinator where the parents are indigent or of limited income. As with any resource, the cost of the Parenting Coordinator should be considered in the context of the benefit that this service might provide to the family as a whole, but most important to the child. The cost could be less expensive and less emotionally damaging than protracted litigation in court.

RULE 4. ROLE AND AUTHORITY OF PARENTING COORDINATOR

- 4.1. A Parenting Coordinator shall assist the parties in reducing parent conflict and in promoting the best interests of the child consistent with the roles and functions of a Parenting Coordinator.
- 4.2. A Parenting Coordinator serves an assessment function. The Parenting Coordinator should review custody evaluations, other relevant records, court orders, information from interviews with the parties and child and other collateral sources, domestic violence protection orders, and any other applicable cases involving criminal assault, domestic violence or child abuse, educational records, and analyze the impasses and issues as brought forth by the parties.
- 4.3. A Parenting Coordinator serves an educational function. The Parenting Coordinator shall educate the parties about child development, divorce research and the impact their behavior has on the child. The Parenting Coordinator shall introduce to the parties alternative parenting and communication skills to be used in implementing parenting plans or parenting time schedules.
- 4.4. A Parenting Coordinator serves a coordination/case management function. The Parenting Coordinator should work with the professionals and systems involved with the family (e.g. mental health, health care, social services, education, legal) as well as with extended family, stepparents, and others involved with the family.
- 4.5. A Parenting Coordinator serves a conflict management function. The Parenting Coordinator's primary role is to assist the parties to resolve disagreements regarding the child and to minimize parent conflict. The Parenting Coordinator may utilize dispute resolution skills from principles and practices of negotiation, mediation, and arbitration. To assist the parties in reducing conflict, the Parenting Coordinator may monitor the faxed, emailed, or written exchanges of communications and suggest more productive forms of communication that limit conflict between the parties. In order to protect the parties and a child in domestic violence cases involving power, control and coercion, a Parenting Coordinator shall tailor the techniques used so as to avoid offering the opportunity for further coercion.
- 4.6. A Parenting Coordinator serves a decision-helping function. When the parties are not able to decide or resolve disputes on their own, the Parenting Coordinator shall be empowered to make reports or recommendations to the parties and the court for further consideration as set forth in Rule 7 below.
- 4.7. Parenting Coordinator shall not offer legal advice.
- 4.8. A Parenting Coordinator shall not serve in multiple roles in a case that creates a professional conflict.
 - 4.8.1 A child's attorney or child advocate shall not become a Parenting Coordinator in the same case.
 - 4.8.2 A mediator or custody evaluator shall not become a Parenting Coordinator in the same case, even with the consent of the parties.

- 4.8.3 A Parenting Coordinator shall not become a custody evaluator either during or after the term of a Parenting Coordinator's involvement with the family.
- 4.8.4 A Parenting Coordinator shall not be appointed after serving as a therapist, consultant, or coach, or in another mental health role to any family member.
- 4.8.5 A Parenting Coordinator shall not become a coach, a therapist, or a consultant, or serve in any other mental health role to any family member, either during or after the term of the Parenting Coordinator's involvement.
- 4.8.6 A Parenting Coordinator shall not become one party's lawyer, either during or after the term of the Parenting Coordinator's involvement, nor shall one party's lawyer become the Parenting Coordinator in that client's case.
- 4.9. All significant recommendations by a Parenting Coordinator that are accepted and agreed to by the parties shall be reduced to writing and submitted to the court for approval.
- 4.10. If any of a Parenting Coordinator's significant recommendations are not accepted by one or both of the parties, a Parenting Coordinator may file and submit a written report to the court, the parties and the parties counsel. The written report shall include an explanation as to how the recommended change is expected to benefit the family as a whole.

Commentary

- 1. The role of the Parenting Coordinator does not include the preparation of an evaluation for litigation purposes. In order for the process to be successful the Parenting Coordinator may review and consider other previously prepared relevant assessments or evaluations. These assessments and evaluations are tools the Parenting Coordinator can use to gain insight into how the family functions or alternatively what may be contributing to the conflict.**
- 2. One of the ultimate goals of the Parenting Coordinator is to provide the parties with the ability to, on their own, resolve child related issues without conflict and protracted (constant) litigation. The parties should be educated on alternative and more productive methods of parenting and conflict resolution.**
- 3. The court does not relinquish its decision-making powers with the appointment of a Parenting Coordinator. The Parenting Coordinator may not unilaterally modify an existing order or parenting plan. Any modification or major change recommended by the Parenting Coordinator and agreed to by the parties should be submitted to the Court as set forth in Rule 7 below.**

4. Recommendations made by the Parenting Coordinator and not approved by both of the parties may be submitted to the court for consideration. See Rule 7 below. The Parenting Coordinator may file and submit the recommendation to the court with a written report that explains how the change will benefit the family as a whole. The Parenting Coordinator should avoid advocating for or giving the appearance of representing one party or the child alone.

5. A professional conflict arises when an individual has served one party in a confidential capacity, as set forth in subparagraph 4.8 above and then is asked to serve as a parenting coordinator. An attorney, a therapist, a mental health professional, advocates for one side over the other. The Parenting Coordinator does not advocate for one party over another, but works for what is best for the whole family. The Parenting Coordinator must be impartial for the process to be successful. After having served as an advocate for one side, it would be nearly impossible for the other party to now have confidence that this person can be unbiased, equitable or fair as a parenting coordinator.

As an advocate for one side there is a duty not to disclose confidential information. The same applies to mediation, which by definition is a confidential process. The Parenting Coordinator does not have the same restrictions of confidentiality. The Parenting Coordinator must be at liberty to discuss and disclose the concerns and fears of all the parties in order to be of any benefit to the family. Confidentiality is discussed further in Rule 8 below

There are similarities between a mediator and a parenting coordinator. The mediator's role is to assist the parties in identifying issues, reducing misunderstanding and finding points of agreements. The issues are finite. The Parenting Coordinator has a similar role, only the issues are infinite. The problems presented to the Parenting Coordinator range from the color of a child's shoes to the course of study at the child's school. Each day the scope of the Parenting Coordinator's involvement with the family differs. Each day the issues can change. It was not intended that mediation would cover such a broad spectrum of day-to-day issues. The scope of the Parenting Coordinators duties far exceeds that of a mediator.

6. At the request and with the permission of the parties, the Parenting Coordinator may prepare or assist in the preparation of agreement documents as set forth in Rule 4.9. In other instances, it may be more appropriate for counsel representing the parties to prepare such documents. Regardless of who prepares the documents, it is the duty of the Parenting Coordinator to make sure that the required documents are signed by the parties and are filed with the court.

RULE 5. COOPERATION AND RELEASE OF INFORMATION

- 5.1. A Parenting Coordinator shall communicate with all parties, counsel, a child, and the court in a manner which preserves the integrity of the parenting coordination process and considers the safety of the parties and child. The Parenting Coordinator shall be allowed to communicate with extended family members, friends or other persons involved with family members and to documentary information necessary to fulfill the responsibilities of the Parenting Coordinator.
- 5.2. Because parenting coordination is a non-adversarial process designed to reduce acrimony and settle disputes efficiently, a Parenting Coordinator may engage in *ex parte* (individual) communications with each of the parties and/or their attorneys. The Parenting Coordinator may initiate or receive *ex parte* oral or written communications with the parties and their attorneys, legal representatives of a child, and other parties relevant to understanding the issues. The Parenting Coordinator shall do so in an objective, balanced manner which takes into consideration the possibility or perception of bias. The Parenting Coordinator should communicate agreements and recommendations to all parties and counsel at the same time.
- 5.3. The Parenting Coordinator shall not communicate *ex parte* with the court.
- 5.4. The Parenting Coordinator typically should have access to any persons involved with family members including, but not limited to, the custody evaluator, lawyers, school officials, and physical and mental health care providers. The Parenting Coordinator shall have the authority to meet with a child, any stepparent or person acting in that role, or anyone else the Parenting Coordinator determines to have a significant role in contributing to or resolving the conflict. The Parenting Coordinator should notify any such collateral sources that information obtained from them is not confidential and that it may be used in making decisions or writing reports or recommendations to or testifying in court.
- 5.5. The Parenting Coordinator should have access to all orders and pleadings filed in the case, as well as the custody evaluation report, school and medical records of a child, and reports of psychological testings that were generated prior to, during or after the pendency of the case. The court order appointing a Parenting Coordinator should require that the parties execute releases and consents to permit access to such data and other relevant information during the Parenting Coordinator's term of appointment.

- 5.6. The Parenting Coordinator should have initial individual and/or joint interviews with the parties, and may interview a child. Parenting Coordinators may interview any individuals who provide services to the child as needed to assess the child's needs and wishes. The communication between the parties may be in joint face-to-face meetings, telephone conference calls, individual face-to-face or telephone meetings, e-mail, or fax. The Parenting Coordinator should determine whether separate or joint sessions are most appropriate at any particular time. In cases of domestic violence involving power, control and coercion, the Parenting Coordinator shall conduct interviews and sessions with the parties individually.
- 5.7. The Parenting Coordinator shall be alert to the reasonable suspicion of any acts of child abuse or neglect, or of domestic violence directed at the other party, a current partner, or a 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.
- 5.8. The Parenting Coordinator should be alert to the reasonable suspicion of any substance abuse by either party or child, as well as any psychological or psychiatric impairment of any parent or child.
- 5.9. The Parenting Coordinator should keep notes regarding all communications with the parties, a child and other persons with whom the Parenting Coordinator speaks about the case.
- 5.10. A Parenting Coordinator shall document in writing all resolutions agreed upon by the parties in the Parenting Coordination process.
- 5.11. The Parenting Coordinator shall maintain records in a manner that is professional, comprehensive and inclusive of information and documents that relate to the parenting coordination process and that support decisions by the parties and recommendations by the Parenting Coordinator.

Commentary

1. When the parties agree to the appointment of the Parenting Coordinator they do so with the understanding that there is a limited right or expectation of confidentiality between the parties, a child and the Parenting Coordinator. Further, the Parenting Coordinator is given the right to conduct investigations and to ask questions of extended family members, friends of the family, teachers or other persons who may have information which is helpful to the Parenting Coordinator.

This does not mean the Parenting Coordinator is at liberty to disclose private information regarding a family to third parties. The Parenting Coordinator has a professional obligation or duty to protect the

privacy of a family. The limited right of confidentiality between the parties, a child and the Parenting Coordinator is discussed further in Rule 8.

2. The term “ex parte” comes from Latin, meaning "for one party," and refers to motions, hearings or orders granted on the request of and for the benefit of one party only. A basic rule of court procedure and due process is that both parties must be present at any argument before a judge, and that one party cannot have communications with the judge when the other party is not also involved in that communication. Therefore, Rule 5.3 strictly provides that the Parenting Coordinator shall not communicate ex parte with the court. When the Parenting Coordinator does communicate with the court by submitting written reports, the Parenting Coordinator must simultaneously serve copies of those reports on all of the parties. Similarly, the Parenting Coordinator shall not communicate orally with the court outside of the presence of the parties. If circumstances so dictate, the parties may choose to seek an Order for Protection under Indiana Code 34-26-5, or relief permitted at Ind. Trial Rule 65 (B).

RULE 6. IMPARTIALITY / CONFLICT OF INTEREST

- 6.1. A Parenting Coordinator shall maintain impartiality in the process of parenting coordination, although a Parenting Coordinator is not neutral regarding the outcome of particular decisions. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual.
- 6.2. A Parenting Coordinator shall withdraw if the Parenting Coordinator determines he or she cannot act in an impartial or objective manner.
- 6.3. A Parenting Coordinator shall neither give nor accept a gift, favor, loan or other item of value from any party having an interest in the parenting coordination process.
- 6.4. A Parenting Coordinator shall not coerce or improperly influence any party to make a decision.
- 6.5. A Parenting Coordinator shall not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting coordination process.
- 6.6. A Parenting Coordinator shall not accept any engagement, provide any service or perform any act outside the role of Parenting Coordinator that would compromise the Parenting Coordinator's integrity or impartiality in the parenting coordination process. A Parenting Coordinator shall not serve in a matter that presents a conflict of interest.
- 6.7. A conflict of interest arises when any relationship between the Parenting Coordinator and the participants or the subject matter of

- the dispute compromises or appears to compromise a Parenting Coordinator's impartiality.
- 6.8. A Parenting Coordinator shall disclose potential conflicts of interest as soon as practical after a Parenting Coordinator becomes aware of the interest or relationship giving rise to the potential conflict.
 - 6.9. After appropriate disclosure, the Parenting Coordinator may 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 regardless of the express agreement of the parties.
 - 6.10. During the parenting coordination process, a Parenting Coordinator shall not create a conflict of interest by providing any services to interested parties that are not directly related to the parenting coordination process.
 - 6.11. A Parenting Coordinator may suggest referrals to other resources to work with the family, but shall avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, or similar remuneration shall be given or received by a Parenting Coordinator for parenting coordination or other referrals.

Commentary

The Parenting Coordinator can be impartial but does not have to remain neutral. Impartiality requires that all be treated alike, without bias and in an equitable and fair manner. Neutrality is defined as indifference, unbiased, and not taking an active part with either of the contending sides. The Parenting Coordinator shall remain unbiased, and treat everyone in a fair manner, but cannot at all times remain neutral. The parenting coordination process was created to assist the family in making child related decisions. There will be times when the Parenting Coordinator takes the side of one party over the other. This may be necessary to allow the family to function and progress. A conflict arises when the Parenting Coordinator's assistance to the family becomes so one-sided that impartiality cannot be maintained.

RULE 7. REPORTS, RECOMMENDATIONS, AND COURT ACTION

- 7.1. A report of any significant recommendation made by the Parenting Coordinator or agreement between the parties shall be filed with the court within twenty (20) days, with copies of the report provided to the parties and their counsel. The report shall indicate disputed recommendations, if any. There shall be no *ex parte* communication with the court.
- 7.2. Any party may file with the court and serve on the Parenting Coordinator and all other parties an objection to the Parenting

Coordinator's report within ten (10) days after the Parenting Coordinator files the report with the court, or within another time as the court may direct.

- 7.3. 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.
- 7.4 The court, upon receipt of a report and recommendation from the Parenting Coordinator, may take any of the following three actions.
 - 7.4.1 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 either party files an objection to the recommendation or requests a hearing as permitted in Rule 7.2, the court shall set an expedited hearing to consider the recommendation and arguments of the parties in favor of and opposing the recommendation.
 - 7.4.2 The court may reject the recommendation in whole or in part. However, if either party files an objection to the recommendation, or requests a hearing as permitted in Rule 7.2, 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.
 - 7.4.3 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
- 7.5 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.

Commentary

1. When the Parenting Coordinator communicates with the court by submitting written reports, the Parenting Coordinator must simultaneously serve copies of those reports on all of the parties. As cautioned in Rule 5.3, the Parenting Coordinator shall not communicate orally or otherwise with the court outside of the presence and knowledge of all of the parties.

2. There may be situations and circumstances which indicate the court should take some immediate action upon a recommendation, without first considering objections to the recommendation or conducting a hearing on the recommendation. These situations could involve potential or threatened harm to the children, or significant disruption of a reasonable family activity involving the children. Such family activities may include, but are not limited to family travel plans and attendance at weddings, funerals or other such family events. When issuing an interim order upon

such a recommendation, the court should balance the potential benefits to the children and family, with the possible adverse impacts that could also result in adopting the recommendation. The best interests of the children should always be a guiding factor in such decisions of the court.

In determining how promptly any hearing should be conducted, the court should consider the reasons put forth in opposition to and in support of the recommendation or order, the harm to a party or the children that might result from delay, and the congestion of the court calendar.

3. Since the Parenting Coordination process is a voluntary process, in which all parties have agreed to participate, the traditional due process concerns which may otherwise be implicated when the court enters orders as provided in Rule 7.4 are relaxed. By agreeing to submit to the Parenting Coordination process, the parties consent to the entry of court orders as is permitted in these Rules, and waive all claims of due process violations or other such error as related to those court orders as long as the orders are entered in a manner consistent with these Rules.

RULE 8 CONFIDENTIALITY

- 8.1. A Parenting Coordinator shall inform the parties of the limitations on confidentiality in the parenting coordination process. Information shall not be shared outside of the parenting coordination process except for legitimate and allowed professional purposes. A Parenting Coordinator shall maintain confidentiality regarding the sharing of information outside of the scope of the parenting coordination process, which is obtained during the parenting coordination process, except as provided by these rules, a court order or by written agreement of the parties.
- 8.2. Parenting coordination is not a confidential process, either for communications between the parties and a child and the Parenting Coordinator, or for communications between the Parenting Coordinator and other relevant parties to the parenting coordination process, or for communications with the court.
- 8.3. A Parenting Coordinator shall inform the parties of the following additional limitations of confidentiality:
 - 8.3.1. The Parenting Coordinator shall report suspected child abuse or neglect to child protective services; and
 - 8.3.2. The Parenting Coordinator shall report to law enforcement or other authorities if the Parenting Coordinator has reason to believe that any family member appears to be at serious risk to harm himself or herself, another family member or a third party.

Commentary

1. The role of the Parenting Coordinator is not as a therapist or counselor to any family member. A Parenting Coordinator is not a custodial evaluator. The Parenting Coordinator is not to make a diagnosis of psychological conditions. The Parenting Coordinator is not a mediator or legal representative. The Parenting Coordinator is not to provide any type of health care or consultation. The distinction is that these are examples of services which are provided to an individual who has an expectation of or a right to confidentiality.

The Parenting Coordinator provides a service to a family as a whole, not an individual. The purpose of the appointment is to work with a high conflict family to help resolve communication and co-parenting disputes without litigation and to educate on methods of dealing with parenting issues in the future. Requiring a Parenting Coordinator to maintain the confidences of either party or the child would unduly hinder the communication process. One of a Parenting Coordinator's most valuable tools is the ability to discuss, openly and rationally with the family, each party's or a child's concerns, suspicions and fears. To limit a Parenting Coordinator with confidentiality restrictions would frustrate the process. Rule 8 is consistent with the Association of Family and Conciliation Courts (AFCC) guidelines pertaining to confidentiality for Parenting Coordinators.

2. During a Parenting Coordinator's investigative process non-family members may be interviewed or asked to share their perspectives. Those interviewed should have no expectation of confidentiality when speaking with a Parenting Coordinator. In such situations, a Parenting Coordinator remains subject to a professional duty to maintain the confidences of the family.

RULE 9 IMMUNITY FOR PARENTING COORDINATOR ACTING UNDER THESE RULES

9.1. A court appointed Parenting Coordinator serving under these rules shall have immunity in the same manner and to the same extent as a registered mediator serving under the Indiana Rules for Alternative Dispute Resolution in the State of Indiana. See, Indiana Rules for Alternative Dispute Resolution, Rule 1.5 (2010).

RULE 10. COMMISSION REGISTRY, ACCOUNTABILITY, AND DISCIPLINE

10.1. Any person who wishes to serve as a registered Parenting Coordinator pursuant to these rules must register with the Indiana

Supreme Court Commission for Continuing Legal Education (hereinafter “Commission”) on forms supplied by the Commission. All professional licenses must be disclosed and identified in the form which the Commission requires.

The registration form shall be accompanied by a fee of \$50.00. An annual fee of \$50.00 shall be due by December 31 each year. Registered Parenting Coordinators will be billed at the time their annual statements are sent. The Commission shall maintain a list of registered Parenting Coordinators including the counties or court districts in which the person desires to serve.

The Commission may remove a registered Parenting Coordinator from its registry for failure to meet or to maintain the qualification requirements of these Rules For Parenting Coordination or for non-payment of fees. A registered Parenting Coordinator must maintain a current business and residential address and telephone number with the Commission. Failure to maintain current information required by these rules may result in removal from the registry. On or before September 1 of each year, or as subsequently amended, each registered Parenting Coordinator will be sent an annual statement showing the Parenting Coordinator educational activities that have been approved for Parenting Coordinator credit by the Commission. See Indiana Rules for Alternative Dispute Resolution, Rule 2.3 (2010).

- 10.2. A person who registers with the Commission pursuant to Rule 10.1 consents to the jurisdiction of the Indiana Supreme Court Disciplinary Commission in the enforcement of these standards. The Disciplinary Commission, any court or the Continuing Legal Education Commission may recommend to the Indiana Supreme Court that a registered Parenting Coordinator be removed from its registry as a sanction for violation of these rules, or for other good cause shown. See Indiana Rules for Alternative Dispute Resolution, Rule 7.1 (2010).

Commentary

The Indiana Supreme Court Commission on Continuing Legal Education may seek assistance in administration of this rule from the Judicial Conference of Indiana and other appropriate resources.

APPENDIX A. Model Order

1. The following is a suggested Model Order Appointing Parenting Coordinator, which may be used in implementing these rules.