

Rule 36

Parenting Coordination

36.01 Definitions.

As used in this rule:

- A. “Civil stalking protection order case” means a proceeding under O.R. C. 2903.214.
- B. “Domestic abuse” means aggressive behaviors directed toward a current or former intimate partner that are physical, sexual, economic, spiritual, or coercively controlling. “Domestic abuse” may occur as a single aggressive behavior or a combination of aggressive behaviors and may vary from family to family in terms of frequency, recency, severity, intention, circumstance, and consequence.
- C. “Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).
- D. “Parenting coordination” means a child-focused dispute resolution process ordered by a court of common pleas or division of the court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710 or Sup.R. 16.20 through 16.25.
- E. “Parenting Coordinator” means an individual appointed by the Court to conduct parenting coordination.

36.02 Purpose.

To promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for Marion County Family Court cases through the use of parenting coordination.

36.03 Scope.

At any point after a parental rights and responsibilities or companionship time order is filed the Court may order parenting coordination except to determine the following:

- A. Whether to grant, modify, or terminate a protection order;
- B. The terms and conditions of a protection order;
- C. The penalty for violation of a protection order;
- D. Changes in the designation of the primary residential parent or legal guardian;
- E. Changes in the school placement of a child, in the case of shared parenting;
- F. Substantive changes in parenting time;
- G. The modification of child support or the allocation of tax exemptions or benefits or the division of uncovered medical expenses.

36.04 Appointment

A case in this Court may be selected and referred to parenting coordination in the following manner:

- A. The Court may order parties to participate in parenting coordination sua sponte or upon written or oral motion by 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 ongoing assistance;
 - (2) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions 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 an order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
 - (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, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
 - (5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or makes adjustments in their parenting time schedule without assistance, even when minor in nature;
 - (6) Any other factor as determined by the Court.
- B. The appointment order shall set forth the following:
 - (1) The name of the parenting coordinator and any contact information the Court may choose to include;
 - (2) The specific powers and duties of the parenting coordinator;
 - (3) The term of the appointment;
 - (4) The scope of the confidentiality;
 - (5) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;
 - (6) Parenting coordination terms and conditions.
- C. The parenting coordinator who meets the qualifications in Section 36.05 shall be selected using one of the following:
 - (1) Use of a court employee;
 - (2) Random selection from the Court's roster of parenting coordinators;
 - (3) Specific appointment based upon the type of case and the qualifications and caseload of the parenting coordinator;
 - (4) Parties select a parenting coordinator from the Court roster to be approved by the Court.
- D. The Court may not appoint a parenting coordinator who does not have the qualifications in Section 36.05 of this rule or who has served or 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; or attorney for either party. Parties may not waive this conflict.

- E. The Court may appoint a mediator to serve as a parenting coordinator with the same family, provided the parties give their written consent and it is approved by the court.
- F. Upon motion of a party, for good cause shown, the court may terminate or modify the parenting coordinator appointment.

36.05 Parenting Coordinator Qualifications.

To be appointed as a parenting coordinator the following qualifications apply:

- A. Be an independently licensed mental health professional, be licensed to practice law in Ohio, or otherwise have education and experience satisfactory to the appointing court of division;
- B. Possess extensive practical and professional experience with situations involving children. This experience may include counseling, casework, or legal representation in complex family law matters; serving as a guardian ad litem or mediator; or other equivalent experience satisfactory to the court or division;
- C. Complete “Fundamental of Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R. 16.23(A)(1) or qualify for an exception as provided in Sup.R. 16.23(A)(2);
- D. Complete “Specialized Family or Divorce Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission of Dispute Resolution under Sup.R. 16.23(B)(1)(c);
- E. Complete “Specialized Domestic Abuse Issues in Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission of Dispute Resolution under Sup.R. 16.23(B)(1)(d);
- F. Complete “Parenting Coordination Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission of Dispute Resolution.

- G. In addition, to be appointed as a parenting coordinator in abuse, neglect, or dependency cases, the parenting coordinator must complete “Specialized Child Protection Mediation” that has been approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission of Dispute Resolution under Sup.R. 16.23(B)(2)(c).

To maintain eligibility for appointment, a parenting coordinator shall complete at least six (6) hours per calendar year of continuing education relating to children, mediation, or diversity. The 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. The continuing education may include continuing education for lawyers, social workers, psychologists, or other licensed mental health professionals and

professional development events that are acceptable to the court or division appointing the parenting coordinator.

36.06 Parenting Coordinator Responsibilities

- A. A parenting coordinator shall have an ongoing duty to report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.
- B. A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either the following situations:
 - (1) The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator.
 - (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.
- C. A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court pursuant to Section 36.04 of this rule.
- D. 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.
- E. A parenting coordinator shall avoid any clear 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 the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator. Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise 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.
- F. A parenting coordinator shall have no ex parte communications with the Court regarding substantive matters or issues on the merits of the case.
- G. 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 the parties no less than once per month.
- H. A parenting coordinator shall not offer legal advice.
- I. Reporting
 - (1) A parenting coordinator shall submit a resume to the Court documenting compliance with Section 36.05 of this rule; provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number and, if available, electronic mail address.
 - (2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during

the previous year pursuant to Section 35.05 of this rule including the sponsor, title, date and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied.

36.07 Procedures

- A. Screening and Disclosure for Domestic Abuse and Domestic Violence
 - (1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process. All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
 - (2) When domestic abuse or domestic violence is alleged, suspected or present, before proceeding, a parenting coordinator shall:
 - a. Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
 - b. Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
 - c. Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.
- B. A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party, to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedure set forth in O.R.C. 2151.421.
- C. Attendance and Participation
 - (1) Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
 - (2) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys and/or any other individuals designated by the parties.
- D. A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses/education and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.
- E. Parenting Coordination Agreements, Reports and Decisions

- (1) Parties shall sign and abide by agreements reached during a parenting coordination session which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorney, if any.
- (2) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, the following:
 - a. Dates of parenting coordination session(s);
 - b. Whether the parenting coordination session(s) occurred or was terminated;
 - c. Requests to reschedule a parenting coordination session including the name of the requestor and whether the request was approved;
 - d. Whether an agreement was reached on some, all or none of the issues;
 - e. Who was in attendance at each session; and
 - f. The date and time of a future parenting coordination session(s)
- (3) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute(s). If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately and remains effective unless ordered otherwise by the Court. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:
 - a. Case caption, including the case number;
 - b. Date of the decision;
 - c. Facts;
 - d. Reasons supporting the decision;
 - e. The manner in which the decision was provided to the parties; and
 - f. Any other necessary information.
- (4) A party may file written objection(s) to a parenting coordinator's decision, with the Court and serve all other parties to the action, within fourteen (14) days of the filing date of the decision. If any party timely files objection(s), any other party may also file objection(s) with the Court and serve all other parties to the action, not later than ten (10) days after the first objection(s) are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling on the objection(s) within thirty (30) days from the date of the last objection filed.

F. Parenting Coordinator Evaluations and Complaints

- (1) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation for, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.

- (2) The Court shall complete a review of the parenting coordinator(s) on the Court's roster in January of each year.
 - (3) 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 Court Administrator, and include all of the following:
 - a. Case caption, including the 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;
 - e. The date(s) of the alleged misconduct or violation occurred;
 - (4) The Court Administrator shall provide a copy of the complaint to the parenting coordinator;
 - (5) The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the Court Administrator.
 - (6) The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty (30) days from the date the complaint was received.
- G. All fees shall be determined by the Court and included in the appointment order.
- H. Unless otherwise provided by court order, 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.

36.08 Confidentiality and Privilege

Except as provided by law, 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, and communications with the court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

36.09 Public Access

The files maintained by a parenting coordinator but not filed with the clerk or submitted to a court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

36.10 Model Standards

The Court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the Guidelines for Parenting Coordination and this local rule, this local rule shall control.

36.11 Court Reporting Requirements

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court all of the following:

- A. A copy of this local rule;
- B. A copy of the current roster of parenting coordinators;
- C. A copy of each new or updated resume received by the court from a parenting coordinator during the previous year;
- D. A copy of each list of continuing education training received by the court for each parenting coordinator.

36.12 Sanctions

The Court may impose sanctions for any violation of this rule which may include, but not limited to, attorney’s fees and other costs, contempt or other appropriate sanctions at the discretion of the Court. .