

IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION, GEauga COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet
The Parenting Coordinator

WARNING

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

Background. Compared to a Guardian ad litem (GAL) or a Mediator, the concept of Parenting Coordination is a relatively new method for conflict resolution between the parents of minor children who are unmarried, divorced, or legally separated. The Supreme Court of Ohio adopted the concept on April 1, 2014 by publishing new Rules of Superintendence.¹ While mediation is a process to assist the parties to voluntarily agree upon the allocation of child custody and the establishment of parenting time (i.e., visitation time for the non-custodial parent) before a court hearing and court order, Parenting Coordination is a process to assist the parties to comply with a court order regarding parental rights and responsibilities, including rendering a decision when the parties cannot agree. Sup. R. 90(C) defines Parenting Coordination as “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, “ and notes that “Parenting Coordination” is not mediation. While neither a GAL nor Mediator can decide the allocation of parental rights and responsibilities, if the parents cannot agree upon a resolution of their disputes concerning the implementation of a court order, then the Parenting Coordinator can make a decision, but subject to the parents’ rights to file an objection with the Court.

What Is The Primary Purpose Of Parenting Coordination?² Parenting coordination is a process where a trained and impartial third person, appointed by the Court, helps the parties implement their parental rights and responsibilities established by a court order by facilitating the resolution of

¹ See Sup. R. 90 to 90.12.

² Sup. R. 90.02.

disputes between parents or legal guardians. The overall objective of the Parenting Coordinator is to assist high-conflict parents (or legal guardians) to resolve their conflicts and disputes, which arise from a court order in a timely and safe manner, always focusing upon the best interest of the child(ren). Parenting Coordination is a quasi-legal, mental health, case management, conflict management process. However, to be clear a parent coordinator is NOT a social investigator, parenting plan facilitator, mediator, therapist, financial advisor, attorney, arbitrator, or guardian ad litem. Parental disputes that Parenting Coordination can help resolve include:

- Minor changes in parenting time
- Telephone and other means of electronic communication (e.g. skype, email, texting)
- Exchanging and transport of children
- Holiday and vacation planning
- After-school activities
- Daycare and babysitting
- School attendance and homework
- Bedtime schedule and diet
- Sports, lessons, recreation
- Discipline
- Enrichment activities, summer camp
- Education choices (e.g. tutoring, summer school, special education, advanced placement
- Healthcare
- Jobs
- Substance abuse assessment, mental health care, counseling
- Religious activities
- Child's appearance (e.g. clothing, tattoos, piercings, hairstyle, etc.)
- Appropriate child-rearing practices
- Makeup time when a non-custodial parent has other commitments (e.g., business travel)
- Family traditions
- Companionship time with other family members
- Child interaction with other family members and significant others
- Parenting classes, counseling

While there is no common definition of "high conflict" cases, Parenting Coordination is indicated where the parents have on-going conflict that results in continuing litigation (filing motions with the Court, resulting in multiple hearings) and interventions when the children are adversely affected.

Parenting Coordination is NOT for cases where the process may compromise the safety of any party, the minor child, or the Parenting Coordinator. Whenever domestic violence or child abuse is indicated, it may be possible to commence or continue Parenting Coordination, but the Court or the Parenting Coordinator will put in place special safeguards to prohibit such harmful activity. In some cases, the Parenting Coordinator will terminate a Parenting Coordination session.

What Are The Features Of Parenting Coordination? The five major aspects or functions of a Parenting Coordinator are (1) educating the parents, (2) conflict management of the parents, (3) assessment of the needs of the children and the role of the parents, (4) coordination/case management/conflict resolution, and (5) decision-making when parents cannot agree.

Parenting Coordination is a fusion of multiple roles, which includes education, investigation, evaluation, and has therapeutic and arbitative components, although the Parenting Coordinator does

not engage in therapy or mediation, as such. A Parenting Coordinator may be an attorney, but does not provide legal advice and will not enter into an attorney-client relationship.

While a GAL represents the best interest of the children and will deliver a report to the Court, which the Judge will consider before issuing an order, and a Mediator will only report to the Court a voluntary agreement of the parties, a Parenting Coordinator may render a binding decision resolving parental disputes concerning, for example, child healthcare decisions, vacation planning, telephone communications, or minor changes in parenting time. In effect, the Parenting Coordinator is a “tie-breaker” when the parents cannot agree.

How Is The Parenting Coordination Process Started?³ A Parenting Coordinator can only be assigned to your case by a Court order, which may result from the Court ordering a Parenting Coordinator on its own, or by a written or oral motion of one of the parties.

The Court may appoint a Parenting Coordinator to assist parties with compliance with parental rights and responsibilities, including parenting or companionship time orders when:

- The parties have ongoing disagreements about the implementation of a court order regarding parental rights and responsibilities or companionship time and thus need ongoing assistance;
- There is a history of extreme or constant parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- The parties have a child whose parenting time schedule, which is specified in a court order, requires frequent adjustments to maintain age-appropriate contact with both parties, and the parties previously have been unable to reach agreements on their parenting time schedule without Court intervention;
- 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 a court order, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court; or
- One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or adjusting their parenting time schedule without assistance, even when minor in nature.

Who Is A Parenting Coordinator?⁴ A Parenting Coordinator is a qualified professional who must have completed specific education and training before his or her appointment as a Parenting Coordinator, including.

- obtaining a master’s degree or higher, a law degree, or education and experience satisfactory to the Court;

³ Sup. R. 90.08

⁴ Sup. R. 90.05, 90.06, and 90.07.

- having at least two years of professional experience with situations involving children, which includes Parenting Coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
- the following training: (1) 12 hours of basic mediation training, (2) 40 hours of specialized family mediation training, (3) 14 hours of specialized domestic abuse and domestic dispute training, (4) 12 hours of Parenting Coordination training; and (5) 32 hours of specialized child-protection training if the case is based upon child abuse, neglect, or dependency; and
- a continuing education requirement.

What Does A Parenting Coordinator Do? Parenting Coordinators do the following:

- Education. A Parenting Coordinator may educate the parties as to the child's needs, parental duties and responsibilities, how to operate a single-parent home, setting boundaries, may coach a parent in needed skills, and provide encouragement, empathy, and guidance.
- Case Management. A Parenting Coordinator will coordinate activities and relations with other professionals and service providers for both the parents and the children, and make recommendations from time to time. A Parenting Coordinator can act as an intermediary between professionals and service providers so that both parents are fully informed without having to communicate with each other. Finally, a Parenting Coordinator may monitor compliance with the existing parenting order or plan to attempt to reduce future conflict.
- Conflict Management. A Parenting Coordinator will work with the parents to resolve conflicts as they arise and offer creative solutions if possible. The process is similar to mediation but less formal. The goal is to have the parents voluntarily agree upon a resolution of their disputes. A Parenting Coordinator will use various strategies and techniques, and will focus upon communication and setting priorities to assist the parents to reach agreement.
- Decision-Making. If, despite the efforts of the Parenting Coordinator, the parties are unable to agree, then the Parenting Coordinator can "break the tie" and render a decision, which is effective immediately and legally binding without a court order, but subject to the parent's right to file an objection with the Court.

What A Parenting Coordinator Does Not Do?⁵ A Parenting Coordinator may not make the following determinations:

- whether to grant, modify, or terminate a protection order;
- the terms and conditions of a protection order;
- the penalty for a violation of a protection order;
- changes in the designation of the primary residential parent; and

⁵ Sup. R. 90.03 and 90.04.

- changes in the primary placement of a child.

If domestic abuse or violence is alleged, suspected, or present, then Parenting Coordination will NOT proceed unless certain conditions are met:

- the person who is or may be the victim of domestic abuse or domestic violence is fully informed about the Parenting Coordination process and of the option to have a support person present at Parenting Coordination sessions;
- appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic abuse or domestic violence and all other persons involved in the Parenting Coordination process; and
- procedures are 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.

The Court shall not appoint a person as a Parenting Coordinator in an abuse, neglect, or dependency case unless that person meets both of the following qualifications: (i) possesses significant experience working with family disputes; and (ii) has completed at least thirty-two hours of specialized child-protection mediation training that has been approved by the Dispute Resolution Section of the Supreme Court of Ohio and that meets standards established by the Supreme Court Commission on Dispute Resolution.⁶

What Are The Duties Of A Parenting Coordinator?⁷ A Parenting Coordinator must perform the following duties:

- A Parenting Coordinator must comply with the requirements of and act in accordance with the Court's appointment order, and abide by the Court's local rules,⁸ the applicable Rules of Superintendence of the Courts of Ohio, and the Association of Family and Conciliation Courts Guidelines for Parenting Coordination;
- A Parenting Coordinator must maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom;
- 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 the parties or others involved in the case. A Parenting Coordinator must 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 must advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, must seek the direction of the Court;
- A Parenting Coordinator must not communicate with the Court regarding substantive matters or issues on the merits of the case without the parties having an opportunity to be present;

⁶ Sup. R. 90.06.

⁷ Sup. R. 90.10.

⁸ See the Court's Juvenile Local Rule 29.

- A Parenting Coordinator must not offer legal advice;
- A Parenting Coordinator must report any activity, criminal or otherwise, that would adversely affect the Parenting Coordinator's ability to perform the functions of a Parenting Coordinator; and
- A Parenting Coordinator shall inform the parties that the Parenting Coordinator must 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, pursuant to the procedures in R.C. 2151.421.

What Is The Cost Of A Parenting Coordinator? A Parenting Coordinator typically will charge the parties an hourly rate for the services rendered. The Parenting Coordinator will explain to the parties, in writing, the basis for determining his or her fees and the method of payment at the outset of the process. The Court will require each party to pay a deposit, which will be applied against future fee charges.

Where Will The Parenting Coordinator Meet? The Parenting Coordinator may meet with the parties in person, by phone, or use other means he or she feels is effective for your situation. If you do not feel safe in the presence of anyone who has been ordered into Parenting Coordination, then you should notify the Court or the Parenting Coordinator before attending a session.

Confidentiality, Privilege, and Public Access.⁹

- Except as required 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, are NOT confidential.
- Except as required by law, Parenting Coordination is NOT privileged. In other words, if a Parenting Coordinator must testify in Court or at a deposition, a party cannot prevent the Parenting Coordinator from testifying to what the Parenting Coordinator learned because of the Parenting Coordination sessions.
- The files maintained by a Parenting Coordinator but not filed with a clerk or submitted to the Court are Not available for public access.

LEGAL PRACTICE IN THE JUVENILE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

⁹ Sup. R. 90.12

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT'S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY JUVENILE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.