STATE OF INDIANA ) IN THE \_\_\_\_\_\_\_\_\_\_\_ SUPERIOR COURT

) SS:

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_ ) CAUSE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN RE THE MARRIAGE OF: )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

)

Petitioner, )

)

and )

)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, )

# Respondent. )

**ORDER APPOINTING PARENTING COORDINATOR**

Come now the parties, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Petitioner, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Respondent, and having agreed to the appointment of a Parenting Coordinator in their *[NAME OF PLEADING / ORDER]*, dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which was approved by the Court on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and being duly advised in the premises now finds the same should be ordered.

**IT IS THEREFORE ORDERED THAT:**

1. **Appointment**.

The Court hereby appoints \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as Parenting Coordinator (hereinafter

“PC”) in this case, whose address, telephone number, and email address are:

*[NAME]*

*[ADDRESS]*

*[PHONE NUMBER]*

*[EMAIL ADDRESS]*

and the parties shall immediately contact said PC for scheduling purposes, if they have not already done so.

1. **Expenses**.

*[SELECT APPROPRIATE OPTION]*

Petitioner shall pay \_\_\_\_\_\_\_\_% and Respondent shall pay \_\_\_\_\_\_\_\_% of the PC’s fees,

including any retainer amount, for joint services. *Each party shall be 100% responsible for any and all individual contacts made with the PC, including but not limited to: individual intake appointments, conferences, telephone calls and/or emails.*

*OR*

*The PC shall have the discretion to report to the Court that the PC desires to charge either party separately for individual contacts with that party or joint contacts made necessary by the party’s behavior. The Court shall have the power to review, reallocate and enforce the payment of the fees of the PC.*

In addition, the PC shall be reimbursed for any expenses incurred, including, but not limited to, photocopies, messenger service, long distance telephone charges, express and/or certified mail costs, parking, mileage, and other travel expenses.

*In the event that the testimony and/or written report of the PC is required for any hearing, settlement conference or court action by one or both parties, the PC’s fees for such services shall be paid by both parties, in advance according to the estimate provided by the PC.*

*OR*

*In the event that the testimony of the PC is required for any hearing, the PC’s fees for travel expenses and time in court shall be paid by the party issuing a subpoena.*

1. **Role of the PC**.
2. Role of the PC. The PC **shall** make recommendations and work to resolve conflicts between the parents involving the designated issues, which do not affect the Court’s exclusive jurisdiction to determine fundamental issues of custody and parenting time. Such recommendations, negotiations, and education shall include strategies for enforcing any shared parenting plan and contact/parenting time schedule, for minimizing child-related conflicts between the parties, and for eliminating unproductive or harmful behavior patterns by one or both parents.
3. Authority of the PC. The PC shall attempt to resolve conflicts between the Parties by recommendation, negotiation, education and discussion. Provided however, that the PC shall make binding recommendations if the Parties are unable to reach a decision through recommendation, negotiation, education or discussion. In such cases, the PC shall provide written documentation of the PC’s binding recommendations to the Parties and their counsel at least two (2) days prior to filing such with the court.

**The recommendation is binding pending review by the Court.** If there is no objection within ten (10) days of the recommendation being made, then the recommendation is binding pending a substantial change in circumstances such that the recommendation is no longer reasonable.

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.

1. Objection to Recommendations. If either Party objects to the recommendation(s) by filing and serving a written objection upon the other Party, within 10 days, the other party shall have 10 days in which to file and serve a written response to the objection. After the filing of an Objection, the court shall set an expedited hearing to consider the recommendation and arguments of the parties in favor of and opposing the recommendation(s).
2. **Issues for the PC to address**.

The PC shall always address the basic co-parenting issues which include but are not limited to the following list:

1. implementing any voluntary or court-ordered plan or schedule;
2. vacation and/or holiday schedules;
3. transportation issues;
4. methods of pick-up and delivery;
5. dates and times of pick-up and delivery;
6. childcare, daycare and babysitting issues;
7. extracurricular and enrichment activities;
8. bedtime issues;
9. diet issues;
10. clothing issues;
11. discipline issues;
12. healthcare management;
13. participation in parenting time by significant others, relatives, etc.;
14. educate parents on how to effectively;
    1. communicate and negotiate;
    2. develop and apply parenting skills;
    3. meet the developmental needs of their child(ren);
    4. disengage from each other when engagement leads to conflict;
    5. keep their child(ren) out of the middle of their adult disagreements; and identify the sources of their conflict with one another and work jointly to minimize conflict and lessen its harmful effects on the child(ren);
15. monitor the safety issues on behalf of the child;
16. monitor safety issues in those cases involving domestic violence;
17. monitor implementation of a voluntary or court-ordered parenting plan or contact/parenting time schedule and mediate the parents’ disputes regarding such plan or schedule;

In addition, the PC shall address the following issues specific to these Parties (check all that apply):

X recommend to the parents that one or both parents avail themselves of available and appropriate community resources, including, but not limited to, physical examinations, random drug screens, parenting classes, custody evaluation, and individual psychotherapy; and if such a recommendation is made, it shall be non-binding;

X write detailed guidelines or recommended rules to help the parents communicate with one another and practice implementing those guidelines or rules. If either parent lacks parenting skills, the PC shall work with that parent to teach the necessary skills or to refer the parent to an appropriate parenting skills course;

X recommend a means of compliance with any parenting plan or parenting schedule in the Court’s Order;

X when the parents cannot agree on a resolution of conflicts, and when it is necessary to promote the child’s best interests, recommend modification of a parenting plan or contact/parenting time schedule, reduce such recommendations to writing, and provide them to the parents and to any attorney who represents either parent;

X recommend a final decision on any parenting issue concerning which the parents reach an impasse, by submitting a written recommendation to the parties and their counsel, and the same shall be binding until further Order;

X facilitate communication between the parents by serving, if necessary, as a conduit for information;

X recommend, where appropriate, the institution or cessation of supervised parenting time;

X when the parents cannot agree on a resolution, make recommendations regarding religion, religious training and church attendance, when in the best interests of the child(ren);

X recommend a final decision with regard to large changes in vacation and/or holiday time shares, when appropriate;

\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **The PC shall not:**
   1. serve as a custody evaluator in the case;
   2. offer a binding recommendation for a change in the child(ren)’s primary physical residence, but MAY advise parties or their counsel for the need of a review of custody or a custody evaluation;
   3. address significant financial matters between the parents;
   4. attempt to exercise judicial authority;
   5. be contacted by either parent outside normal working hours, unless the matter constitutes a genuine emergency;
   6. substantially alter the percentage of parenting time between parents.
2. **Meeting with the PC.**
   1. In fulfilling his or her responsibilities, the PC shall be entitled to communicate with the parents and their child, separately or together, in person or by telephone; with the health care providers and mental health providers for the parents and the child; and with any other third parties reasonably deemed necessary by the PC. The parents shall cooperate with the PC and shall execute any releases which may be necessary to permit the above communication to occur.
   2. Each parent is responsible for contacting the PC to schedule and arrange initial appointments within five (5) days of this Order.
   3. The parents shall provide copies of all pleadings, orders, and correspondence that relate to the issues to be brought to the PC. These documents shall initially be provided within ten (10) days of the date of this Order.
   4. Each parent shall direct any disagreement with the other parent regarding the child to the PC. The PC shall work with both parents to resolve the conflict, and, if necessary, will recommend an appropriate resolution to the parents and their legal counsel.
   5. The parents and all agencies shall participate in good faith in the dispute resolution process.
3. **Written and Oral Report and Court Appearances**.
   1. Any agreements reached in the PC process shall be reduced to writing and signed by both parties and the PC.
   2. The PC may submit written reports to the parents and/or their counsel, if the parent is represented by counsel, describing any conflicts and the PC’s recommended resolutions. The PC may also report to the parents and/or their counsel, if the parent is represented by counsel, with regard to parental compliance and attitudes regarding any element of the parenting plan or parenting time schedule.
   3. When necessary, decisions of the PC shall be made orally and shall become binding when communicated to both parties orally. However, such decisions shall be communicated in writing as soon as practicable.
4. **Terms of Appointment.**
   1. The PC is appointed for two (2) years, or unless discharged prior to the expiration of one year.
   2. A party may not request the discharge of the PC for the first six (6) months of the PC’s appointment, except for in cases of egregious abuse of discretion or a substantial and unexpected change in circumstances.
   3. The PC, at any time, may be discharged by the Court with or without petition from a party. The PC may be removed upon a finding that the Parenting Coordinator has exceeded his or her mandate; has acted in a manner inconsistent with Section V of the Indiana Parenting Time Guidelines (effective 1/1/17); has demonstrated bias; or for other good cause the court may terminate the appointment.
   4. After the initial six-month appointment 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.
   5. The PC may withdraw from acting as PC in the case at any time and for any reason, provided that notice is given to the parties and their counsel.
   6. *At the completion of services, the PC* ***[SELECT ONE] may / shall*** *forward a closing statement to the parents and/or their counsel, if a parent is represented by counsel.* After the case is closed by Court Order, the PC may be available as needed to the family if reinstated by an order of the Court.
   7. Except as provided in paragraph 9 below, no therapist-patient relationship and/or privilege is created between the PC and the parents or the minor child(ren).
5. **Confidentiality**.

**All medical records and any records relating to the present, past or future medical treatment of either Petitioner or Respondent, including but not limited to physical, mental or psychological issues, that are provided to the PC shall be and remain strictly confidential and the contents of such records shall not be divulged or communicated by the PC to the other party or any other third party. Provided, however, should the PC terminate, both parties reserve the right to seek a Court Order requiring release of the records held by the PC. For all other matters, there is NO privilege or right of confidentiality between the child, the Parties and the PC.**

1. **Cooperation/Release of Information.**

The Parties are ordered to cooperate with the PC, provide all relevant documentation to the PC, and to sign any and all release of information forms, or otherwise provide all authority necessary for the PC to obtain all medical, education, counseling and treatment information of the Parties, the child or any other person as necessary to the role of the PC.

Further, the Parties, or their representatives are ordered to provide and gather all information necessary to the role of the PC, including but not limited to medical, education, counseling and treatment information of the Parties, the child, or any other person necessary to the recommendations of the PC.

1. **Incorporation of Agreed Matters into Enforceable Court Orders.**

Although one of the goals of the PC is to encourage parents to harmoniously resolve shared parenting issues without the need for a Court hearing, the negotiated or agreed matters shall be memorialized in writing, signed by the parties, copied to counsel if the parties are represented, and submitted to the Court for approval within twenty (20) days of the agreement being signed.

1. **Authority, Qualifications and Expertise.**

This appointment is based upon the expertise of the PC as a licensed mental health and/or legal professional. Further the Court finds that such PC is entitled to judicial immunity pursuant to Indiana Law.

1. **Service of Pleadings**.

Both parties and/or their respective counsel shall serve the PC with any and all pleadings

which are filed with the Court in this matter as if the PC was a party to same.

1. **Adoption of Guidelines.**

Except as specifically modified herein, the parties and PC shall follow all other

provisions of Section V of the Indiana Parenting Time Guidelines, which are adopted and incorporated herein by reference.

1. **The COURT FURTHER ORDERS THAT:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SO ORDERED on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Superior Court

Distribution:

Petitioner’s Attorney

Respondent’s Attorney

Parenting Coordinator