

STATE OF NORTH CAROLINA
COUNTY OF _____

JANE DOE,
Plaintiff,

vs.

JOHN DOE,
Defendant.

) IN THE GENERAL COURT OF JUSTICE
) DISTRICT COURT DIVISION

) File No: _____

) CONSENT ORDER APPOINTING
) PARENTING COORDINATOR

) N.C. GEN. STAT. § 50-90 *et seq.*

THIS CAUSE came on before the undersigned District Court Judge, in chambers, with the consent of the Plaintiff and the Defendant;

AND THE COURT, after having made inquiry of counsel, has found that the parties have agreed to the appointment of a Parenting Coordinator as set out in the decretal portion herein, and that the parties were desirous of having their agreement reduced to a Court Order;

AND THE COURT, having reviewed the file in this matter, having reviewed the parties' agreement, and having been informed that the parties have requested that the Court approve, incorporate and order that agreement as the Court's own fully enforceable judgment in this cause as set out in the decretal portion herein and having made such other inquiry in to the matter as it deems sufficient;

AND THE PARTIES, having waived formal Findings of Fact and Conclusions of Law, and having stipulated that there are sufficient facts in the whole record to support the entry of this Judgment, the Court, therefore, makes the following:

FINDINGS OF FACT

1. The children involved in this proceeding are Cortez S. Doe, born 24 February 1999 in Wilmington, NC and Aris T. Doe, born 17 July 2001 in Southern Pines, North Carolina.

2. The District Court entered a Child Custody order on 9 May 2007 vesting the primary care, custody and control of the minor children in the Plaintiff with secondary custody by way of visitation in the Defendant.
3. The parties are having difficulty effecting some of the terms of the current order and difficulty co-parenting.
4. The Parties have voluntarily consented to the appointment of a Parenting Coordinator pursuant to N.C. Gen. Stat. § 50-91(a) as evidenced by their signatures on the attached Consent of the Parties attached hereto and made part of this Order.
5. The Court finds it to be in the best interests of the minor children for the appointment of a parenting coordinator.
6. The parties waive further findings of fact.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. The Court has jurisdiction over the parties and the subject matter of this action.
2. The Court has the authority to make an appointment of a Parenting Coordinator under the provisions of N.C. GEN. STAT. § 50-91(a).
3. The appointment of a Parenting Coordinator is necessary to assist the parents in implementing the terms of the existing child custody order(s) as set out in the decretal portion of this Order.

Based upon the foregoing Conclusions of Law,

NOW, THEREFORE, it is ordered, adjudged and decreed:

1. Selection – _____ shall be appointed as the parenting coordinator at an appointment conference to be calendared by the Family Court and in the event that _____ is unable to serve, a parenting coordinator shall be selected from the list maintained by the

District Court at an appointment conference pursuant to N.C. GEN. STAT § 50-91(d) to be scheduled by the Family court Administrator within 30 days of the entry of this Order;

2. The parties be and hereby are ordered to cooperate with the Parenting Coordinator and follow the terms specified in this Order;
3. Term/Succession - The term of the Parenting Coordinator's service shall be for a period of two years from the date of this Order. If the Parenting Coordinator requests to withdraw, then the Court shall appoint another Parenting Coordinator who is agreeable to both parties. If the Court terminates the appointment prior to the expiration date, notice shall be given to the Parenting Coordinator, and a hearing held;
4. The Parenting Coordinator shall be and hereby is expressly authorized to address any issue set forth in N.C. Gen. Stat. § 50-92;
5. The Parenting Coordinator may make minor changes in the following areas:
 - A. Transition dates/time/pickup/delivery
 - B. Sharing of vacations and holidays
 - C. Method of pick up and delivery
 - D. Transportation to and from visitation
 - E. Participation in child care/daycare/and baby sitting
 - F. Bed time
 - G. Diet
 - H. Clothing
 - I. Recreation
 - J. After school and enrichment activities
 - K. Discipline
 - L. Health Care Management
 - M. Alterations in schedule which do not substantially alter the basic time share agreement
 - N. Participation in visitation (significant others, relatives, etc.)

- O. Increasing time share when developmentally appropriate for young children
6. The Parenting Coordinator may allow the parties to make alterations in the Consent Orders heretofore filed in this instant action.
7. The Parenting Coordinator shall not divest the Court of exclusive jurisdiction to determine the fundamental issues of custody, visitation, and child support.
8. Role of Parenting Coordinator – The role of the parenting coordinator shall be and hereby is as follows:
- A. Decisions: The Parenting Coordinator shall decide any issue as set forth in decretal paragraph 5 within the scope of his/her authority by any appropriate dispute-resolution method. During this process, the Parenting Coordinator may coach and educate the parents about ways to better communicate about the child and about child development issues.
- B. Recommendations:
- (1) The Parenting Coordinator may recommend to the Court that the parents participate in any of the following interventions:
- (a) therapy
 - (b) treatment programs
 - (c) mediation
 - (d) custody/parenting time evaluation
 - (e) programs for high conflict parents, anger management, etc.
 - (f) interventions for the minor child including therapy.
- (2) The Parenting Coordinator may recommend changes in the Parenting Coordinator's decision-making power to better accommodate the needs of the parties or their children that may arise during the parenting coordination.

(3) Any recommendations, if not consented to by the parties, shall be submitted to the Court in writing with copies to each parent and attorneys involved in the case. The Judge shall determine whether a modification is necessary to implement recommendations of the Parenting Coordinator. Recommendations consented to by both parties shall be submitted to both parties and their attorneys.

C. Resolutions: The primary role of the Parenting Coordinator is to assist the parties in working out disagreements about the children in a way that minimizes conflict. If the parties are able to resolve any matters through mutual agreement, the Parenting Coordinator shall make a decision whether to adopt that resolution as a decision, if the agreement falls within the purview of paragraph 5. If the adopted agreement does not fall within paragraph 5, then the Parenting Coordinator shall set the agreement forth as a recommendation.

D. Report to the Court

(1) The Parenting Coordinator shall promptly provide written notification to the Court, the parties and attorneys for the parties if the Parenting Coordinator makes any of the following determinations:

- (a) The existing custody order is not in the best interests of the children; and/or
- (b) The Parenting Coordinator is not qualified to address or resolve certain issues in the case.

(2) Upon receipt of such notice, the Court shall schedule a hearing and review the matter following receipt of the report.

(3) If the parties reach any fundamental change in the child custody order, the Parenting Coordinator shall send the

agreement to the parties' attorneys for preparation of a consent order.

9. Appointments with the Parenting Coordinator – Appointments with the Parenting Coordinator shall be as follows:

- A. The Parenting Coordinator may set a time and place for a brief informational meeting which may occur by phone given the location of the parties involved.
- B. Future appointments with the Parenting Coordinator may be scheduled at the request of either parent by telephone or in person with no written notice required. Each parent shall make a good faith effort to be available for appointments in person or by phone when requested by the other parent or the Parenting Coordinator.
- C. The Parenting Coordinator shall notify the Court, with copies to the parties or their attorneys, if either party refuses to cooperate.

10. Decision Making Process – The decision making process for the parents and the Parenting Coordinator shall be as follows:

- A. Both parents shall abide by rules and procedures set forth by the Parenting Coordinator for the scheduling and conducting of meetings. The Parenting Coordinator shall investigate and decide matters submitted to him/her by meeting with the parents, reviewing written materials submitted to him/her, and considering any other information relevant to the matter to be decided. Meetings may be held with both parents present or by meeting with one parent at a time. The Parenting Coordinator has discretion to allow either parent to appear by telephone.
- B. The Parenting Coordinator is authorized to consult with professionals, family members and others who have information about the parents or child, such as therapists, custody evaluators, school teachers, etc., and may consider that information in making a decision, as allowed by law.

The Parenting Coordinator shall have the authority to determine the protocol of all interviews and sessions including, in the case of meetings with the parents, the power to determine who attends such meetings.

- C. The parents shall provide all records, collateral releases including but not limited to educational, medical, and psychological releases, documentation and information requested by the Parenting Coordinator within fifteen (15) calendar days of the request. The Parenting Coordinator may not request materials subject to attorney/client privilege, and may not require the release of documents protected by law except upon proper consent and release by the parties or by Order of the Court.
- D. The Parenting Coordinator is authorized to interview the children privately in order to ascertain the children's needs as to the issues being decided. The Parenting Coordinator shall avoid forcing the children to choose between the parents.

11. Communication – The following special communication guidelines between the parties, the attorneys and to the Court are specifically set by the Court as follows:

- A. The parents and their attorneys, if they are represented, may communicate with the Parenting Coordinator *ex parte* (without the other parent present). This applies to oral communications and any written documentation of communication submitted to the Parenting Coordinator.
- B. The Parenting Coordinator may communicate *ex parte* with the parents and their attorneys, and other professionals involved in the case. This applies to both written and oral communications. The Parenting Coordinator may talk with each parent without the presence of either counsel.

- C. The Parenting Coordinator shall not communicate *ex parte* with the Judge assigned to the case.
- D. Any party involved in any legal action that affects this Order shall notify the Parenting Coordinator.

12. Parenting Coordinator Records.

- A. The Parenting Coordinator shall provide the following to the attorneys for the parties and to the parties:
 - 1. A written summary of the developments in the case following each meeting with the parties.
 - 2. Copies of any other written communications shall be available to the attorneys for the parties upon request.
- B. The Parenting Coordinator shall maintain records of each meeting. These records may only be subpoenaed by order of the Judge presiding over the case. The Court must review the records in camera and may release the records to the parties and their attorneys only if the Court determines release of the information contained in the records shall assist the parties in the presentation of their case at trial.

13. Confidentiality.

- A. There is no confidentiality concerning communications between the parents and the Parenting Coordinator. As required by the Court, the Parenting Coordinator may communicate with custody evaluators, therapists, or other individuals investigating the issues. The Parenting Coordinator shall comply with the law to report child abuses, and threats of abuse against another person. In cases involving domestic violence the Parenting Coordinator and legal counsel (or the parents themselves, if not represented) shall address to the Court any safety concerns, subject to the prohibition against *ex parte* communication.
- B. By signing this Order each party agrees to allow the Parenting Coordinator to review documentation filed with the Court or received

into evidence, voluntarily released by the parties, or released by Order of the Court about him/her and the children from the physician(s), therapist(s), teacher(s), evaluator(s), previous Parenting Coordinators and other professionals involved in this case (except for the attorney representing him/her). Each party also agrees to allow the Parenting Coordinator to discuss issues contained in such files with the professional who keeps the file. The Parenting Coordinator, however, is not authorized to share the materials or other privileges recognized by law.

14. Involvement of Parenting Coordinator in Litigation.

Before any party or party's attorney may employ discovery requests of a Parenting Coordinator, permission must be given by the Court that such specific discovery requests may issue, including subpoenas, for documents or for deposition. If either parent wishes the Parenting Coordinator to testify at a hearing or deposition other than to give a report on findings, the parent will be required to deposit in advance a reasonable fee to cover the hourly rate of the Parenting Coordinator.

15. Quasi-Judicial Immunity.

The Parenting Coordinator acts as a quasi-judicial officer in his/her capacity pursuant to this Order, and, as such, has immunity consistent with North Carolina law and expressly N.C. GEN. STAT. § 50-100 as to all actions undertaken pursuant to the Court appointment in this Order. This immunity applies to all acts done by the Parenting Coordinator during the appointment and until the Parenting Coordinator is given notice of his/her termination. The immunity continues to apply to acts required by the Court to conclude the Parenting Coordinator's duty after termination.

16. Fees

- A. The Court finds that the parents have the financial capacity to pay for the Parenting Coordinator. The parties shall pay the Parenting

Coordinator for all of his/her time and costs incurred in processing the case. This includes time spent reviewing documents and correspondence, meetings and telephone calls with parents, attorneys, and other professionals involved in the case, and deliberation and issuance of decisions. Costs shall include long-distance telephone calls, copies, fax charges, and all other similar costs incurred by the Parenting Coordinator pursuant to this Order. In addition, the parents shall pay for time spent by the Parenting Coordinator in any hearing, settlement conference report writing, or other Court appearance that the Parenting Coordinator's presence is requested or required. Nonpayment of fees may subject the nonpaying parent to prosecution for contempt of Court for failure to abide by the Order. Prior to first appointment, the parents shall provide the Parenting Coordinator with any deposit required by the Parenting Coordinator.

- B. The Parenting Coordinator's hourly fee and costs shall be paid as follows: Father shall pay 50% and Mother shall pay 50%. This Parenting Coordinator may modify this allocation or may recommend to the Court that the allocation be modified if the Parenting Coordinator finds that one parent is using his/her services unnecessarily and, as a result, is causing the other parent greater expense; or if one parent is acting in bad faith. Ultimately, the Court shall determine the proper allocation of fees and costs between the parents and may require reimbursement by one parent to the other parent of any payment made to the Parenting Coordinator. Either parent may request the fees and costs be reallocated at any time during the Parenting Coordinator's term of appointment, unless good cause is shown for failing to appear at the appointment.
- C. If one parent pays 100% of the Parenting Coordinator's fees and costs, then that party has absolute right of indemnification against the

other parent up to the percentage allocation that the other parent was responsible for paying. This reimbursement may be enforced by contempt.

17. Remand.

The Parenting Coordinator may be removed during his/her term on any of the grounds applicable to the Family Law Judge presiding over this instant case. Any grievance from either parent regarding the performance or actions of the Parenting Coordinator shall be dealt with in the following manner:

- A. A parent with a grievance shall discuss the matter with the Parenting Coordinator in person before pursuing it in any other manner.
- B. If, after discussion, the parent decides to pursue a complaint, he/she must then submit a written letter detailing the complaint to the Parenting Coordinator, to the other parent, and any attorneys representing the parents and/or children. The Parenting Coordinator shall provide a written response to the parents and attorneys within thirty (30) days.
- C. The Parenting Coordinator will then meet with the complaining parent and his/her attorney (if any) to discuss the matter.
- D. If the complaint is not resolved after this meeting, the complaining parent may file a motion with the Court for removal of the Parenting Coordinator. Notice shall be given to the Parenting Coordinator, with an opportunity to be heard.
- E. The Court shall reserve jurisdiction to determine if either or both parents and/or the Parenting Coordinator shall ultimately be responsible for any portions or all of the Parenting Coordinator's time and costs spent in responding to the grievance and the Parenting Coordinator's attorney's fees, if any.

18. That this Order shall be fully enforceable by the Court's contempt powers for willful violations thereof, or failures to perform any provision herein, and

punishment/enforcement shall include active imprisonment, fines, and/or costs in the Court's discretion.

19. That this cause be, and the same hereby is, retained for further orders.

This the _____ day of March 2010.

District Court Judge presiding

Consent Pages, Notary and Certificate of Service Intentionally Removed from Sample