

Article 5.

Parenting Coordinator.

**§ 50-90. Definitions.**

As used in this Article, the following terms mean:

- (1) High-conflict case. – A child custody action involving minor children brought under Article 1 of this Chapter where the parties demonstrate an ongoing pattern of any of the following:
  - a. Excessive litigation.
  - b. Anger and distrust.
  - c. Verbal abuse.
  - d. Physical aggression or threats of physical aggression.
  - e. Difficulty communicating about and cooperating in the care of the minor children.
  - f. Conditions that in the discretion of the court warrant the appointment of a parenting coordinator.
- (2) Minor child. – A person who is less than 18 years of age and who is not married or legally emancipated.
- (3) Parenting coordinator. – An impartial person who meets the qualifications of G.S. 50-93.
- (4) Party. – Any person granted legal or physical custodial rights to a child in a child custody action. (2005-228, s. 1; 2019-172, s. 2.)

**§ 50-91. Appointment of parenting coordinator.**

(a) The court may appoint or reappoint a parenting coordinator at any time in a child custody action involving minor children brought under Article 1 of this Chapter on or after the entry of a custody order, other than an ex parte order, or upon entry of a contempt order involving a custody issue pursuant to any of the following:

- (1) All parties consent to the appointment and the scope of the parenting coordinator's authority.
- (2) Upon motion of a party requesting the appointment of a parenting coordinator.
- (3) Upon the court's own motion.

(b) If the parties have not consented to the appointment of a parenting coordinator, the court shall make specific findings that the action is a high-conflict case, that the appointment of the parenting coordinator is in the best interests of any minor child in the case, and that the parties are able to pay for the cost of the parenting coordinator. The court does not have to find a substantial change of circumstance has occurred to appoint a parenting coordinator.

(c) The order appointing a parenting coordinator shall specify the terms of the appointment and the issues the parenting coordinator is directed to assist the parties in resolving and deciding. Notwithstanding the appointment of a parenting coordinator, the court shall retain exclusive jurisdiction to determine fundamental issues of custody, visitation, and support, and the authority to exercise management and control of the case.

(d) The parenting coordinator shall be selected from a list maintained by the district court. Prior to the appointment, the court, the parties' attorneys, or the parties shall contact the parenting coordinator to determine if the parenting coordinator is willing and able to accept the appointment. (2005-228, s. 1; 2019-172, s. 2.)

**§ 50-92. Authority of parenting coordinator.**

(a) The authority of a parenting coordinator shall be specified in the court order appointing the parenting coordinator and shall be limited to matters that will aid the parties in complying with the court's custody order, resolving disputes regarding issues that were not specifically addressed in the custody order, or ambiguous or conflicting terms in the custody order. The parenting coordinator's scope of authority may include, but is not limited to, any of the following areas:

- (1) Transition time, pickup, or delivery.
- (2) Sharing of vacations and holidays.
- (3) Method of pickup and delivery.
- (4) Transportation to and from visitation.
- (5) Participation in child or day care and babysitting.
- (6) Bed time.
- (7) Diet.
- (8) Clothing.
- (9) Recreation.
- (10) Before- and after-school activities.
- (11) Extracurricular activities.
- (12) Discipline.
- (13) Health care management.
- (14) Alterations in schedule that do not substantially interfere with the basic time-share agreement.
- (15) Participation in visitation, including significant others or relatives.
- (16) Telephone contact.
- (17) Alterations to appearance, including tattoos or piercings.
- (18) The child's passport.
- (19) Education.
- (20) Other areas of specific authority as designated by the court or the parties.

(b) The parenting coordinator shall decide any issue within the scope of the parenting coordinator's authority, and the decision shall be enforceable as an order of the court. The decision shall be in writing and provided to the parties and their attorneys. So long as the custody order under which the decision is made is in effect, the decision shall remain binding after the expiration of the parenting coordinator's term unless the parenting coordinator or a subsequent parenting coordinator modifies the decision or the court reviews and modifies the decision.

(b1) Any party or attorney for the party may file a motion for the court to review a parenting coordinator's decision. The parties shall comply with the parenting coordinator's decision unless the court, after a review hearing, determines that (i) the parenting coordinator's decision is not in the child's best interests or (ii) the decision exceeded the scope of the parenting coordinator's authority. The moving party or the attorney for the moving party shall cause a subpoena to be issued for the parenting coordinator's attendance at the review hearing. At the conclusion of the review hearing, the court shall determine how the parenting coordinator's fees, as related to the review hearing, shall be apportioned between the parties. The court may review and modify a parenting coordinator's decision after the expiration of a parenting coordinator's term.

(c) The parenting coordinator shall not provide any professional services or counseling to any party or any of the minor children.

(d) The parenting coordinator shall refer financial issues related to the parenting coordinator's decisions to the parties or their attorneys. (2005-228, s. 1; 2019-172, s. 2.)

**§ 50-93. Qualifications.**

(a) To be eligible to be included on the district court's list of parenting coordinators, a person must meet all of the following requirements:

- (1) Hold a masters or doctorate degree in psychology, law, social work, or counseling.
- (2) Have at least five years of related professional post-degree experience.
- (3) Hold a current North Carolina license in the parenting coordinator's area of practice.
- (4) Participate in 24 hours of training in topics related to the developmental stages of children, the dynamics of high-conflict families, the stages and effects of divorce, problem solving techniques, mediation, and legal issues.

(b) In order to remain eligible as a parenting coordinator, the person must also attend parenting coordinator seminars that provide continuing education, group discussion, and peer review and support. (2005-228, s. 1; 2019-172, s. 2.)

**§ 50-94. Appointment conference.**

(a) The parties, their attorneys, and the proposed parenting coordinator must all attend the appointment conference. However, no appointment conference is required if (i) the parenting coordinator's term is later extended, (ii) a subsequent parenting coordinator is appointed in the same matter, or (iii) the parties, their attorneys, and the proposed parenting coordinator consent to a waiver of the appointment conference by signing the proposed appointment order. The court shall not enter an order appointing a parenting coordinator or conduct an appointment conference unless a custody order has already been entered or is being simultaneously entered.

(b) At the time of the appointment conference, the court shall do all of the following:

- (1) Explain to the parties the parenting coordinator's role, authority, and responsibilities as specified in the appointment order and any agreement entered into by the parties.
- (2) Repealed by Session Laws 2019-172, s. 2, effective October 1, 2019.
- (3) Determine financial arrangements for the parenting coordinator's fee to be paid by each party and authorize the parenting coordinator to charge any party separately for individual contacts made necessary by that party's behavior.
- (4) Inform the parties, their attorneys, and the parenting coordinator of the rules regarding communications among them and with the court.
- (5) Enter the appointment order if the order has not yet been entered.

(c) Repealed by Session Laws 2019-172, s. 2, effective October 1, 2019. (2005-228, s. 1; 2019-172, s. 2.)

**§ 50-95. Fees.**

(a) The parenting coordinator shall be entitled to reasonable compensation from the parties for services rendered and to a reasonable retainer. If a dispute arises regarding the payment of fees or the retainer, the parenting coordinator may file a fee report and request a hearing. If a party disputes the parenting coordinator's fees or the allocation of those fees, the party may file a motion

with the court requesting that the court review the fees. The district court retains jurisdiction to resolve disputes regarding the parenting coordinator's fees after the conclusion of the parenting coordinator's term so long as the parenting coordinator's fee report was filed in a timely manner.

(b) Repealed by Session Laws 2019-172, s. 2, effective October 1, 2019. (2005-228, s. 1; 2019-172, s. 2.)

#### **§ 50-96. Meetings and communications.**

Meetings and communications between the parenting coordinator and the parties, the attorneys for the parties, or any other person with information that assists the parenting coordinator in the coordinator's duties may be informal and ex parte. Communications between the parties and the parenting coordinator are not confidential. The parenting coordinator and the court shall not engage in any ex parte communications. Upon request of the parenting coordinator, the parties shall timely execute any releases necessary to facilitate communication with any person having information that assists the parenting coordinator in the coordinator's duties. The parenting coordinator, in the coordinator's discretion, may meet or communicate with the minor children. (2005-228, s. 1; 2019-172, s. 2.)

#### **§ 50-97. Reports.**

(a) The parenting coordinator may file a report with the court regarding any of the following:

- (1) The parenting coordinator's belief that the existing custody order is not in the best interests of the child.
- (2) The parenting coordinator's determination that the parenting coordinator is not qualified to address or resolve certain issues in the case.
- (3) A party's noncompliance with a decision of the parenting coordinator or the terms of the custody order.
- (4) The parenting coordinator's fees as set forth in G.S. 50-95.
- (5) The parenting coordinator's request that the parenting coordinator's appointment be modified or terminated.

(b) Upon the filing of a verified report by the parenting coordinator alleging that a party is not complying with a decision of the parenting coordinator, not complying with the terms of the custody order, or not paying the parenting coordinator's fees, the court may issue an order directing a party to appear at a specified reasonable time and show cause why the party shall not be held in contempt. Nothing in this section prevents a party from filing the party's own motion regarding noncompliance with a parenting coordinator's decision or noncompliance with the terms of the custody order.

(c) An expedited hearing shall be granted and shall occur within four weeks of the filing of the report unless the parenting coordinator requests a longer length of time or the court has already issued an order directing a party to show cause why the party shall not be held in contempt.

(d) The court, after a hearing on the parenting coordinator's report, shall be authorized to issue temporary custody orders as may be required for a child's best interests. (2005-228, s. 1; 2019-172, s. 2.)

#### **§ 50-98. Parenting coordinator records.**

(a) In the parenting coordinator's discretion, the parenting coordinator may release any records held by the parenting coordinator to the parties or the attorneys for the parties.

(b) Any party may apply to the judge presiding for the issuance of a subpoena to compel production of the parenting coordinator's records. Any party who submits an application for a subpoena shall provide reasonable notice to the parenting coordinator and the parties so that any objection to the release of information or the manner of the release of information may be considered prior to the issuance of a subpoena. (2005-228, s. 1; 2019-172, s. 2.)

**§ 50-99. Modification or termination of parenting coordinator appointment.**

(a) For good cause shown, the court may terminate or modify the parenting coordinator appointment upon motion of any party, upon the agreement of the parties, or by the court on its own motion.

(b) For good cause shown, the court may modify or terminate the parenting coordinator's appointment upon request of the parenting coordinator as set forth in G.S. 50-97(a)(5).

(c) For purposes of termination or modification of the parenting coordinator's appointment, good cause may include, but is not limited to, any of the following:

- (1) The lack of reasonable progress.
- (2) A determination that the parties no longer need the assistance of a parenting coordinator.
- (3) Impairment on the part of a party that significantly interferes with the party's participation in the process.
- (4) The inability or unwillingness of the parenting coordinator to continue to serve. (2005-228, s. 1; 2019-172, s. 2.)

**§ 50-100. Parenting coordinator immunity.**

A parenting coordinator shall not be liable for damages for acts or omissions of ordinary negligence arising out of that person's duties and responsibilities as a parenting coordinator. This section does not apply to actions arising out of the operation of a motor vehicle. (2005-228, s. 1.)