

IN THE COURT OF COMMON PLEAS OF [] COUNTY, PENNSYLVANIA
FAMILY DIVISION

Plaintiff,

v.

No.

Defendant

ORDER OF COURT FOR PARENTING COORDINATION

AND NOW, (the above-captioned Parties agreeing and) the Court finding that it is in the best interest of the child(ren), (NAMES OF CHILDREN, DOB), that a Parenting Coordinator be appointed to assist the parties in implementing the custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order dated _____ and in resolving related parenting issues about which they do not agree, the following is ORDERED:

1. APPOINTMENT AND TERM:

Pursuant to Pa. R.C.P. No 1915.11-1 [PC], Esquire is appointed as the Parties' Parenting Coordinator for a term of _____ months (not to exceed 12 months), or until the resignation of the Parenting Coordinator, or termination of the appointment by the Court, whichever first occurs. The Court shall have authority to impose sanctions upon a party for the non-compliance with the Parenting Coordinator's Terms of Engagement.

Legal counsel for _____, or either party, if pro-se' shall provide copies of all orders, pleadings and custody evaluations in this case to the parent coordinator within ten (10) days of the date hereof.

2. ROLE OF THE PARENTING COORDINATOR:

A. The Parenting Coordinator shall attempt to resolve issues arising out of the custody order by facilitating an agreement between the parties and, if unable to reach an agreement, recommend a resolution to the court;

B. The Parenting Coordinator will not function as the attorney, advocate, counselor, psychotherapist for the parties, the parties' child(ren), or family. However, the parenting coordinator is permitted and encouraged to facilitate communication and agreement between the parties when conflicts arise and shall always act in a manner conducive to the best interest of the child(ren).

3. PARENTING COORDINATOR'S AUTHORITY:

In order to implement the custodial arrangement set forth in the custody order and resolve related parenting issues about which the parties cannot agree, the parenting coordinator is authorized to recommend resolutions to the court about issues that include, but are not limited to, the following:

- a. Places and conditions for transitions between households;
- b. Temporary variation from the schedule for a special event or particular circumstance;
- c. School issues, apart from school selection;
- d. Child(ren)'s participation in recreation, enrichment, and extracurricular activities, programs and travel;
- e. Child-care arrangements;
- f. Clothing, equipment, toys and personal possessions of the child(ren);
- g. Information exchange (school, health, social, etc.) and communication with or about the child(ren);

h. Coordination of existing or court-ordered services for the child(ren) (e.g. Psychological testing, alcohol or drug monitoring/testing, psychotherapy, anger management, etc.);

i. Behavior management;

j. Other related custody issues that the parties mutually agree, in writing, to submit to their Parenting Coordinator, which are not issues excluded in Paragraph 4.

4. EXCLUSIONS FROM PARENTING COORDINATOR'S AUTHORITY:

a. The following specific issues are excluded from the Parenting Coordinator's scope of authority:

1) A change in legal custody decision-making authority set forth in the Order;

2) A change in primary physical custody as set forth in the Custody Order;

3) Other than as set forth in Paragraph 3(b), a change in court-ordered custody schedule that reduces or expands the child(ren)'s time with a party;

4) A change in the geographic residence (relocation) of the child(ren);

5) Determination of financial issues, other than allocation of the Parenting Coordinator's fees;

6) Major decisions regarding health, education, religious or welfare of the child(ren);

7) Other:_____.

b. Unless the parties consent, the parenting coordinator shall not contact collateral sources or speak with the child(ren). Any communication with the child(ren) or collateral sources shall be limited to the issue(s) currently before the parenting coordinator. To effectuate

this provision, the parties shall execute releases, as necessary, authorizing the parenting coordinator to communicate with the appropriate individuals.

5. COMMUNICATIONS AND NON-CONFIDENTIALITY:

(a) The parenting coordinator shall determine the protocol of all communications, interviews, and sessions, including who shall attend the sessions (including the children), and whether the sessions will be conducted in person or by other means. The protocols should include measures addressing the safety of all participants.

(b) Communications between the parties or their attorneys and the parenting coordinator are **not** confidential.

(c) The parties and their attorneys shall have the right to receive, but not initiate, oral ex parte communication with the parenting coordinator. The parenting coordinator shall promptly advise the other party or the other party's attorney of the communication. A party or a party's attorney may communicate in writing with the parenting coordinator, but shall contemporaneously send a copy of the written communication to the other party or the other party's attorney. Documents, recordings, or other material that one party gives to the parenting coordinator must promptly be made available to the other party or the other party's attorney for inspection and copying.

(d) Absent an emergency affecting the child(ren)'s health or welfare, communication from the parenting coordinator to the court shall be in writing and the parenting coordinator shall contemporaneously send copies to the attorneys for both parties, or to any unrepresented party. If the parenting coordinator has communicated orally with the court on an emergency basis, the parenting coordinator shall promptly communicate in writing the substance of the oral communication to the attorneys for the parties, or to an unrepresented party.

(e) A party cannot compel the testimony of a parenting coordinator without an order of court.

6. PARENTING COORDINATOR PROCESS;

(a) The parenting coordinator shall provide to the parties notice and an opportunity to be heard on the issues.

(b) The parenting coordinator's recommendation shall be in writing on the Summary and Recommendation of the Parenting Coordinator form set forth in Pa.R.C.P. No. 1915.23 and sent to the court for review within two days after hearing from the parties on the issues. The parenting coordinator shall serve a copy of the Summary and Recommendation to the parties or, if represented, to their counsel.

(c) A party objecting to the recommendation shall file a petition for a de novo record hearing before the court within ten days of service of the filed Summary and Recommendation of the Parenting Coordinator form. The petition must specifically state the issues to be reviewed and include a demand for a de novo record hearing. A copy of the recommendation shall be attached to the petition. In accordance with Pa.R.C.P. No. 440, the petition shall be served up

7. *DE NOVO* RECORD HEARING:

(a) If the parties do not file an objection within ten days of receipt of the parenting coordinator's recommendation, the court shall:

(1) accept the recommendation by order;

(2) modify the recommendation by order;

(3) send the recommendation back to the parenting coordinator for more specific information; or

(4) vacate the recommendation and conduct a de novo record hearing on the issues.

(b) As soon as practical, the court shall conduct a de novo record hearing on the issues specifically set forth in the petition. The court shall render a decision within the time set forth in Pa.R.C.P. No. 1915.4(d).

(c) The recommendation shall become a final order of court unless:

(1) a party timely files with the court a petition objecting to the parenting coordinator's recommendation; or

(2) the court vacates the recommendation and conducts a de novo record hearing.

(3) If a timely objection is made by a party, the recommendation shall become an interim order of court pending further disposition by the court.

8. ALLOCATION OF FEES:

(a) The parties will share the obligation to pay the fees of the parenting coordinator as follows: ___% Mother/Father, ___% Father/Mother, ___% Third party. Fees may be reallocated by the court or the parenting coordinator if a party has disproportionately caused the need for the services of the parenting coordinator.

(b) The judicial district's established hourly rate for parenting coordinators shall be set forth in a separate written agreement entered into between the parties and the parenting coordinator.

(c) The parties will pay a joint retainer to the parenting coordinator in the percentages set forth above in an amount to be set forth in a separate agreement between the parties and the parenting coordinator. After each session, or at least once monthly, the parenting coordinator shall provide the parties with an invoice of charges incurred. The retainer may be replenished as

services are rendered. Funds remaining at the conclusion of the parenting coordinator's appointment shall be returned to the parties.

9. TERMINATION/WITHDRAWAL OF PARENTING COORDINATOR:

(a) The parties may not terminate the parenting coordinator's services without court approval.

(b) A party seeking the termination of the parenting coordinator's services shall serve the other party and parenting coordinator with a copy of the petition for termination.

(c) If the parenting coordinator seeks to withdraw from service in a case, the parenting coordinator shall petition the court.

10. APPEAL:

If there is an appeal of the underlying custody order or this order, then this order shall be stayed during the pendency of the appeal.

BY THE COURT:

_____, Judge