

# NOTICE TO THE BAR

## Parenting Coordinator Pilot Program – Program Guidelines and Related Material

The Supreme Court recently approved the operational details of a Parenting Coordinator Pilot Program for implementation in four vicinages – Bergen, Middlesex, Morris/Sussex, and Union. Those details are set out in the attached set of Program Guidelines. Also attached here are a standardized order of appointment; a parent coordinator registration form; and a standardized case information form.

The Pilot Program Guidelines were drawn in substantial part from rule amendments proposed by the 2004-2006 Family Practice Committee. The Court declined to adopt those rule proposals at that time, preferring instead to test the parenting coordinator concept in a pilot program.

As described in the Overview section of the Program Standards, “[a] Parenting Coordinator is a qualified neutral person appointed by the court, or agreed to by the parties, to facilitate the resolution of day to day parenting issues that frequently arise within the context of family life when parents are separated. The court may appoint a Parenting Coordinator at any time during a case involving minor children after a parenting plan has been established when the parties cannot resolve these issues on their own. The Parenting Coordinator’s goal is to aid parties in monitoring the existing parenting plan, reducing misunderstandings, clarifying priorities, exploring possibilities for compromise and developing methods of communication that promote collaboration in parenting. The Parenting Coordinator’s role is to facilitate decision making between the parties or make such recommendations, as may be appropriate, when the parties are unable to do so. One primary goal of the Parenting Coordinator is to empower parents to develop and utilize effective parenting skills so that they can resume the parenting and decision making role without the need for outside intervention. The Parenting Coordinator should provide guidance and direction to the parties with the primary focus on the best interests of the child by reducing conflict and fostering sound decisions that aid positive child development.”

Note that no case may be included in this pilot program if it has a temporary or final restraining order in effect pursuant to the Prevention of Domestic Violence Act (N.J.S.A. 2C:25-17 et seq.).

This material will be published in the legal newspapers and will be posted on the Judiciary’s Internet website: <http://www.judiciary.state.nj.us> . Questions regarding this material or the pilot program may be directed to Assistant Director Harry Cassidy, Family Practice Division, Administrative Office of the Courts, at 609-984-4228.

/s/ Philip S. Carchman

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Philip S. Carchman, J.A.D.  
Acting Administrative Director of the Courts

Dated: April 2, 2007

## **Parenting Coordinator Pilot Program Implementation Guidelines**

**[As Approved by the Supreme Court on March 5, 2007]**

### I. Overview

A Parenting Coordinator is a qualified neutral person appointed by the court, or agreed to by the parties, to facilitate the resolution of day to day parenting issues that frequently arise within the context of family life when parents are separated. The court may appoint a Parenting Coordinator at any time during a case involving minor children after a parenting plan has been established when the parties cannot resolve these issues on their own.

The Parenting Coordinator's goal is to aid parties in monitoring the existing parenting plan, reducing misunderstandings, clarifying priorities, exploring possibilities for compromise and developing methods of communication that promote collaboration in parenting. The Parenting Coordinator's role is to facilitate decision making between the parties or make such recommendations, as may be appropriate, when the parties are unable to do so. One primary goal of the Parenting Coordinator is to empower parents to develop and utilize effective parenting skills so that they can resume the parenting and decision-making role without the need for outside intervention. The Parenting Coordinator should provide guidance and direction to the parties with the primary focus on the best interests of the child by reducing conflict and fostering sound decisions that aid positive child development.

### II. Parenting Coordination Guidelines

#### A. Assignment of Parenting Coordinator

The court, after finding good cause shown or upon agreement of the parties, may appoint a Parenting Coordinator in any action involving parenting responsibility or parenting time of a minor child. The appointment may be made at any stage in the proceeding after entry of an order establishing child custody and/or parenting time.

The court may not appoint, nor consent to the appointment of, a Parenting Coordinator in any case with an active restraining order issued pursuant to the Prevention of Domestic Violence Act.

Either the parties may agree to a specific person to serve as Parenting Coordinator (subject to approval by the court) or the court may appoint the Parenting Coordinator from the approved Roster. The Administrative Office of the Courts shall maintain the roster of

qualified Parenting Coordinator candidates for use in making these appointments.

B. Authority of the Court

The appointment of a Parenting Coordinator does not in any way diminish the court's exclusive jurisdiction to determine fundamental issues of custody, parenting time, or support, and its authority to exercise management and control of the case. The court may order the appointment of a Parenting Coordinator on application of either party, on a joint application, or on its own motion.

C. Authority of the Parenting Coordinator

(1) The Order of Appointment may specify those matters that the Parenting Coordinator is authorized to address. The Order of Appointment may also specify which recommendations will be immediately effective and which will require court review through the filing of a motion prior to taking effect.

(2) By way of illustration and not limitation, the Order of Appointment may authorize the Parenting Coordinator to make recommendations to the parties and/or attorneys, to implement an agreement between the parties, or to make a recommendation during time-sensitive circumstances such as:

- a. Time, place and manner of pick-up and drop-off of children;
- b. Child care arrangements;
- c. Minor alterations in parenting schedule with respect to weeknight, weekend or holiday parenting time that do not substantially alter the court-approved parenting plan;
- d. First and last dates for summer vacation;
- e. Schedule and conditions of telephone communication with the children;
- f. Selection and scheduling of activities;
- g. Any other issues submitted for immediate determination by agreement of the parties;
- h. Referrals to other professionals to improve family functioning.

(3) The Parenting Coordinator may not make any modification to any order, judgment or decree, unless all parties agree and enter into a consent order. The Parenting Coordinator may recommend minor temporary departures from a parenting plan when a situation arises that may warrant such an adjustment. The parties must agree to the change or file a motion to have the recommendation reviewed by the court.

(4) In any particular case the Parenting Coordinator shall serve only in that role and shall not at any time serve in a dual role either as an attorney, therapist, guardian ad litem, mediator, or custody parenting time evaluator.

#### D. Qualifications of the Parenting Coordinator

(1) A Parenting Coordinator may be a social worker, a psychologist, a psychiatrist, or a marriage and family therapist who shall be licensed to practice in the State of New Jersey by the appropriate State Board and agencies. If the parties consent, the court may designate as Parenting Coordinator a non-mental health lay person unrelated to either party or an attorney licensed in the State of New Jersey, so long as such individual is qualified by experience and/or training.

(2) In order to be approved as a Parenting Coordinator, an individual must be qualified as a family mediator pursuant to New Jersey Court Rule 1:40-12. A Parenting Coordinator must also possess a basic familiarity with child development, working with high conflict families, the impact of divorce on families and children, and the effects of long-term custody disputes on children.

(3) The Parenting Coordinator has a primary duty to be impartial and to advise all parties of any circumstances that create the appearance of possible bias, prejudice, or inability to remain impartial.

(4) A Parenting Coordinator may make referrals to other professionals to work with the family but shall avoid actual or apparent conflicts of interests.

#### III. Application Procedure

(1) To be approved as a Parenting Coordinator, each applicant must complete an application located on the Judiciary Internet home page at [www.judiciary.state.nj.us](http://www.judiciary.state.nj.us) and comply with the requests for proof of professional license and experience. A Parenting Coordinator Credentials Committee will have responsibility to review and act on the applications. The Administrative Office of the Courts will maintain the roster of approved Parenting Coordinators, with that roster to be accessible on the Judiciary's Internet home page at [www.judiciary.state.nj.us](http://www.judiciary.state.nj.us).

(2) If the application indicates that an applicant lacks any of the necessary qualifications, the review committee will conditionally reject the application. In such instance, the applicant will be given thirty days to provide any additional documentation concerning his/her qualifications. The rejection shall become final automatically within forty-five days of the date of the initial

notification of conditional rejection unless the credentials committee determines, after reviewing any additional documentation, that the applicant is qualified to perform as a Parenting Coordinator and notifies the applicant of such approval.

#### IV. Procedures

- (1) The Order of Appointment shall specify any case specific procedures to be followed by the Parenting Coordinator.
- (2) Parties will be given the opportunity to be heard on every issue submitted to the Parenting Coordinator.
- (3) Parenting Coordinators will not have direct communication with the court unless so ordered.
- (4) In time sensitive circumstances, recommendations may be made orally and communicated to both parties, followed by written confirmation within 24 hours thereafter.
- (5) Recommendations made by the Parenting Coordinator and consented to by the parties will become effective immediately. When either party does not accept or objects to a recommendation by the Parenting Coordinator, that party may apply to the court, in accordance with the Rules of Court, for a determination of the issue.
- (6) The Parenting Coordinator shall hold an initial meeting with the parties. The Parenting Coordinator has a duty to define and describe for the parties in the retainer agreement the role, limitations and fees of the Parenting Coordinator. The initial meeting should include, but is not limited to, the following topics:
  - a. The difference between a Parenting Coordinator and other forms of conflict resolution, including therapy, counseling, and mediation;
  - b. The circumstances under which the Parenting Coordinator will meet alone with either of the parties, their child(ren) or any other person that can facilitate the resolution of a parenting issue;
  - c. Duties and responsibilities of the Parenting Coordinator and the parents;
  - d. The hourly cost of the Parenting Coordinator's services and method of payment;
  - e. That all recommendations of the Parenting Coordinator are subject to review by the court upon request, motion or petition of either party;
  - f. That there is no confidentiality of communication between the parties and the Parenting Coordinator. Written

- communication and copies of documents, tape recordings and other electronic materials must be shared with parties and/or attorneys and may be shared with the court upon request;
- g. That the parties have the right to seek independent legal counsel prior to resolving an issue or in conjunction with formalizing an agreement;
  - h. That the Parenting Coordinator should be provided access to any information or people necessary for defining and resolving a disputed issue, including but not limited to doctors, therapists, schools and extended family; parties will be required to sign written releases for this purpose;
  - i. That the Parenting Coordinator has the responsibility to maintain adequate records to support fees and expenses;
  - j. The approved grievance procedure for requesting the termination of Parenting Coordinator services;
  - k. The Court approved procedures for a fee dispute;
  - l. That in the event the Parenting Coordinator believes either party has been recalcitrant and/or non-cooperative and thereby has interfered with the parenting coordinating process, that view shall be communicated in writing to the parties and their counsel, who may then petition the court for appropriate relief, including, but not limited to, sanctions, counsel fees, and the remedies set forth in Rule 5:3-7.

(7) The parties shall have the right to have counsel review any recommendation made by the Parenting Coordinator or any agreement made by the parties. Contact between the attorneys and the Parenting Coordinator may be either in writing, by telephone or in person and may be ex parte.

(8) Grievance Procedure -- A party having a complaint or grievance shall discuss the matter with the Parenting Coordinator in person in an attempt to resolve it before pursuing it in any other manner. If the issue remains unresolved, the parties shall submit a written letter to the Parenting Coordinator detailing the complaint or grievance, with a copy to the other party, to both attorneys (if any), and to the attorney for the child(ren) if one is in place. The Parenting Coordinator shall within thirty (30) days provide a written response to both parties and the attorneys. The Parenting Coordinator at his/her discretion may schedule a meeting or conference call with the attorneys or with the attorneys and the parties in an effort to resolve the complaint. In situations where the grievance or complaint is not resolved by this process, the dissatisfied party may request a court hearing to make a determination on the issue(s).

(9) Compensation of Parenting Coordinators -- Parenting Coordinators shall be compensated in accordance with their stated fees and for expenses incurred, which shall be clearly set forth in the Retainer Agreement and/or in the information and materials

provided to the parties at the initial conference. Parties shall pay the apportioned percentage agreed upon and set forth by the court.

(10) Pay Disputes -- A Parenting Coordinator who has not been paid in a timely manner may fax a letter to the court in the county of venue detailing the lack of payment. In such situations, the court will attempt to resolve the nonpayment. The court may issue a *sua sponte* Order to Show Cause as to why the Parenting Coordinator's bill should not be paid.

(11) Role of Counsel -- Counsel for either party shall not be constrained from continuing to represent and advocate for their clients in a manner consistent with their professional ethics.

(12) Termination of Parenting Coordinator --The court or the Parenting Coordinator may terminate the appointment if the services of the Parenting Coordinator do not meet the needs of the family, if the children have reached the age of majority, or if the parties stipulate to such termination. Either party may petition the court by motion for termination of the Parenting Coordinator's appointment whenever the Parenting Coordinator has exceeded his/her mandate or has acted in a manner inconsistent with the approved procedures, or has violated professional conduct, provided the approved grievance procedure has been utilized.

(13) Program Evaluation -- The Administrative Office of the Courts shall monitor and keep records of the progress of the Parenting Coordinator process for quality control purposes and to provide information for use in evaluating the costs and benefits of such appointments. Each Parenting Coordinator will complete a case evaluation form in each case appointed for this purpose.

Attorneys for

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-FAMILY PART  
COUNTY OF \_\_\_\_\_**

**DOCKET NO. F - \_\_\_\_\_**

\_\_\_\_\_  
**Plaintiff,**

v.

\_\_\_\_\_  
**Defendant**

**CIVIL ACTION**

**ORDER APPOINTING  
PARENTING COORDINATOR**

**THIS MATTER** having been opened by the Court on its own motion, or to the Court by \_\_\_\_\_, Esq., attorneys for the  Plaintiff  Defendant, and \_\_\_\_\_, Esq. appearing on behalf of  Plaintiff  Defendant, and the Court having found that it is in the best interests of the child(ren) that a Parenting Coordinator be appointed to assist the parties in resolving their conflicts; and for good cause having been shown;

**IT IS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_, ORDERED AS FOLLOWS:**

1. APPOINTMENT: \_\_\_\_\_, located at \_\_\_\_\_ is appointed as Parenting Coordinator for a term of \_\_\_\_\_.
2. ROLE OF PARENTING COORDINATOR: The Parenting Coordinator shall serve to attempt to assist the parties to resolve conflicts related to \_\_\_\_\_. The Parenting Coordinator shall not have the authority to change existing Orders of the Court unless the parties consent and enter into a Consent Order.
3. NO CONFIDENTIALITY: All communications from the parties and/or their lawyers to the Parenting Coordinator and/or from the Parenting Coordinator to the parties and/or their lawyers shall not be deemed confidential, but rather shall be admissible in evidence, under New Jersey Rules of Evidence and Rules of Court.

4. **RECOMMENDATIONS:** The Parenting Coordinator will make recommendations to the parties (and their respective attorneys) directly. If either party objects to the recommendation, and refuses to be bound by the same, either party may apply to the court pursuant to the Rules for determination of the issues. In connection with any such application, either party may submit the Parenting Coordinator's recommendation and any additional relevant evidence, in accordance with the Rules of Court. The court may assess counsel fees pursuant to the Rules in connection with said application. The parties shall provide notice to the Parenting Coordinator of any application to the court related to custody or parenting time issues including requests for relief on an emergent basis.
5. **SOURCES OF INFORMATION:** Each party is ordered to provide the Parenting Coordinator with all requested information including the signing of all releases requested for collateral contacts. The Parenting Coordinator may have contact with any professional or other individual he/she deems necessary to perform the duties as Parenting Coordinator (e.g., the children, therapists, physicians, childcare providers, teachers, family members).
6. **SCOPE:** The Parenting Coordinator shall make recommendations to the parties about issues identified in the Order of Appointment.
7. **PROTOCOL:** Consistent with this Rule, the Parenting Coordinator may determine the protocol of all communications, interviews, and sessions including who shall or may attend the meetings.
8. **COMMUNICATION:** The parties and their attorneys shall have the right to initiate or receive oral one-sided communication with the Parenting Coordinator but the fact of such communication shall be made known to the other party contemporaneously with its occurring through confirmatory written memorialization. Any party or counsel may communicate in writing with the Parenting Coordinator provided that copies are provided

to the other party and counsel simultaneously. Copies of any documents, tape recordings or other electronic material that one party gives to the Parenting Coordinator must also be given to the other party or his/her attorney.

9. ALLOCATION OF FEES: The Parenting Coordinator's fees shall be paid by the parties as follows: plaintiff \_\_\_\_\_% and defendant \_\_\_\_\_%. In the event of a request for reallocation of fees and costs, the Parenting Coordinator may submit findings and recommendations concerning this issue.
10. RETAINER: The parties will pay to the Parenting Coordinator a joint retainer in the percentages referred to above in an amount to be determined by the Parenting Coordinator.
11. TESTIMONY: All testimony by the Parenting Coordinator in connection with these proceedings or other proceedings involving any or all of the participants in this proceeding shall be deemed expert testimony if qualified and paid accordingly.
12. COOPERATION OF THE PARTIES: In the event the Parenting Coordinator believes either party has been recalcitrant and/or non-cooperative and thereby has interfered with the parenting coordinating process, that view shall be communicated in writing to the parties and their attorneys, who may then petition the court for appropriate relief, including, but not limited to, sanctions, counsel fees, and the remedies set forth in *Rule 5:3-7*.
13. TERMINATION/GRIEVANCE: The Parenting Coordinator may withdraw from service at any time, on ten days notice to the parties and the court, if she/he determines resignation to be in the best interests of the children or she/he is unable to serve out the term set forth in this order. A party having a complaint or grievance shall discuss the matter with the Parenting Coordinator in person in an attempt to resolve it before pursuing it in any other manner. If the issue remains unresolved, the aggrieved party

shall submit a written letter detailing the complaint or grievance to the Parenting Coordinator with a copy to the other party, both attorneys (if any), and to the attorney for the child(ren) if one is in place. The Parenting Coordinator shall within thirty (30) days provide a written response to both parties and the attorneys. The Parenting Coordinator at his/her discretion may schedule a meeting or conference call with the attorneys or with the attorneys and the parties in an effort to resolve the complaint. In situations where the grievance or complaint is not resolved by this process, the dissatisfied party may request a court hearing to address and resolve the issues that have been raised.

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J.S.C.



New Jersey Administrative Office of the Courts  
 P.O. Box 983  
 Trenton, NJ 08625  
 (609) 984-4228

**Application For Registration As A  
 Parenting Coordinator**

**For Office Use Only**

- Approved**  
 **Not approved**

Name \_\_\_\_\_

Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_ Suite \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_ Extension \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Email Address \_\_\_\_\_

The information you furnish above will be used in all correspondence with you and in the Supreme Court's list of parenting coordinators.

I herewith apply for registration on the list of Parenting Coordinators maintained by the Administrative Office of the Courts.

In support of this application, I state the following:

- I am licensed or certified as a \_\_\_\_\_ by the state of \_\_\_\_\_.  
(Attach a copy of current professional license or certificate)
- I have completed the required training for Family Mediation pursuant to R.1:40-12(5)
- I have read and am familiar with the appended procedures of Appointment of Parenting Coordinator in Child Custody and Parenting Time Disputes.
- I have attached a 50 word synopsis of my professional experience and fee schedule. I understand this will be posted on the roster for public view.
- I agree to maintain adequate records for purposes of quality control and to provide statistical information as required by the Administrative Office of the Courts.

**I certify that the foregoing statements made by me are true and that I am in good standing in my profession**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



New Jersey Judiciary  
**PARENTING COORDINATOR  
CASE INFORMATION FORM**

**For Office Use Only**

Date Received:

Date Entered:

**Directions:** This form is to be completed by the Parenting Coordinator when service is terminated.

<b>Case Docket Number</b>	<b>Case Name</b>	<b>Name of Parent Coordinator</b>
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**OUTCOME**

- Better Communication between Parents has been achieved
- Parents continue to be unable to resolves minor disputes without intervention
- Non cooperation by one or more parties
- Other \_\_\_\_\_

<b>Date Case Assigned to Parenting Coordinator</b>	<b>Date of Initial Session</b>	<b>Date of Final Session</b>
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<b>Total Number of Sessions Held Pertaining to Case</b>	<b>Service Terminated By</b> <input type="checkbox"/> <b>Court Order</b> <input type="checkbox"/> <b>Agreement Between Parties</b>	
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<b>Please Return to: Family Division</b>	<b>Or Fax to:</b>
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