CHAPTER 11

PARENTING COORDINATOR GUIDELINES (CHILD CUSTODY AND VISITATION)

11.01 ROLE OF PARENTING COORDINATOR

A Parenting Coordinator is a mental health professional, or family law attorney who specializes in helping high-conflict parents resolve disputes regarding their children. Parenting Coordination is a child-focused dispute resolution process that combines parent education, dispute assessment, mediation, facilitated negotiation, and conflict and communication management. When parents are unable to resolve their parenting disputes with the Parenting Coordinator's assistance, the Parenting Coordinator makes recommendations or decisions on issues that are specified in a stipulation and order. The ultimate goal is to help parents learn to resolve disputed or difficult issues amicably and efficiently on their own, without having to involve the Parenting Coordinator or the adversarial process.

(Adopted effective October 1, 1998, Amended July 1, 2015)

11.02 SELECTION AND APPOINTMENT OF PARENTING COORDINATORS

A. TIMING

A Parenting Coordinator may be appointed at any time during a proceeding involving child custody or visitation issues, upon the stipulation of the parties and subject to the approval of the court.

B. PROCEDURE

1. Appointment

   The parties may stipulate to appointment of a Parenting Coordinator, subject to consent of the individual selected, and subject to the court's approval. The Parenting Coordinator's role, powers, duties, term, and incidental matters should be set forth in a written stipulation and order. (See Attached Stipulation and Order Appointing Parenting Coordinator.)

2. Acceptance of Appointment

   The proposed Parenting Coordinator shall have the right to accept or decline any appointment, with or without giving a stated reason. A person proposed as a Parenting Coordinator is required to decline appointment if he or she knows of any bias or conflict of interest that would prevent him or her from acting fairly and impartially.

   The Parenting Coordinator shall act pursuant to a written stipulation and order defining his or her role, duties, and fees. The form of the order shall be signed and approved by the Parenting Coordinator.

C. TERM OF APPOINTMENT

The Parenting Coordinator shall be appointed for a specified term or length of time, usually at least one (1) year and not more than three (3). This will give the Parenting Coordinator sufficient time to work with the family, while reinforcing the parents' responsibility for their own lives and their children's welfare.

D. LEGAL AUTHORITY FOR APPOINTMENT

There is no specific legal authority for appointment of a Parenting Coordinator. For this reason, a Parenting Coordinator may only be appointed upon the stipulation of the parties.

Absent a stipulation for appointment of a Parenting Coordinator, the court does have authority to appoint a third party (not a Parenting Coordinator) under one or more of the following Code sections:

1. An expert witness under Evidence Code section 730;

2. A referee under Code of Civil Procedure section 638, *et seq.*;

3. An investigator or evaluator under Family Code section 3110 *et seq.*

4. An arbitrator under Code of Civil Procedure section 1280;

5. A mediator under Family Code section 3160-3186.

E. QUALIFICATIONS

The parties and counsel are responsible for determining whether a proposed Parenting Coordinator is qualified for appointment. Upon request, a proposed Parenting Coordinator must provide the requestor with a resume or other documentation of his or her qualifications prior to the filing of a stipulation and order appointing a Parenting Coordinator.

For the benefit of the parties and counsel the following qualifications are recommended.

All Parenting Coordinators should have completed a training (twelve (12) hours or more) in Parenting Coordination. In addition, Parenting Coordinators should meet the following professional standards at the time of appointment:

PSYCHOLOGISTS, PSYCHIATRISTS, MARRIAGE, FAMILY AND CHILD THERAPISTS, AND LICENSED CLINICAL SOCIAL WORKERS:

1. Valid current license to practice in the State of California.
2. Experience

    a. Three (3) years post-license experience in child and family therapy, and high conflict families, including provision of court ordered co-parenting counseling; and/or

    b. Three (3) years' experience in evaluations for family court and/or CPS and/or family mediation practice; or

c. Three (3) years' experience in court-based family mediation or assessment.

3. Training

   a. Six (6) hours in child development and/or psychology of divorce and custody;

   b. Twenty-four (24) hours or more of mediation training is recommended.

4. Familiarity with ethical issues of custody disputes and adherence to the American Psychological Association Guidelines for Parenting Coordinators.

5. Working knowledge of custody law, with a minimum of six (6) cases working with attorneys and/or court appearances.

ATTORNEYS:

1. Valid current license to practice in the State of California.

2. Experience

   a. Five (5) out of the last five (5) years' experience practicing family law;

   b. At least twenty (20) custody cases in which the attorney represented a parent or a child.

3. Training

   a. At least thirty (30) hours training in mediation;

   b. At least six (6) hours continuing legal education in custody law over the previous three (3) year period;

   c. The equivalent of completion of a course in child development (six (6) hours)

   d. Familiarity with ethical issues and practices in providing Parenting Coordination services and the Association of Family and Conciliation Courts guidelines for Parenting Coordination.

F. FEES

A person appointed as a Parenting Coordinator is entitled to charge a reasonable fee commensurate with his or her experience and abilities and to request an appropriate retainer (subject to replenishment as it becomes diminished). The order appointing the Parenting Coordinator shall clearly specify the fee arrangement and each party's responsibility for the fee, as determined by the court or by stipulation. The Parenting Coordinator shall also have the

ability to recommend a reallocation of fees as a sanction for obstructive behavior; this power shall also be spelled out in the order.

G. WITHDRAWAL AND REMOVAL

Once appointed, the Parenting Coordinator shall have the right to withdraw upon written notice to the court and the parties, with or without a stated reason.

The Parenting Coordinator may be disqualified on any of the grounds applicable to the removal of a judge, referee or arbitrator, upon noticed motion by either party or the court, sua sponte, after notice to all parties and the Parenting Coordinator.

Neither party may initiate court proceedings for the removal of the Parenting Coordinator or to bring to the attention of the court or any other body any grievances regarding the performance or actions of the Parenting Coordinator without meeting and conferring with the Parenting Coordinator in an effort to resolve the grievance.

(Adopted effective October 1, 1998, Amended July 1, 2015)

11.03 POWERS AND SCOPE OF THE PARENTING COORDINATOR'S AUTHORITY

The Parenting Coordinator shall not make any recommendations that alter a custodial designation of joint, or sole, legal or physical custody established in a current order of the court, prohibit a party's contact with his/her children, require or prohibit adherence to a religion, or which substantially alter or reconfigure the parents' time sharing arrangements (defined as increasing or decreasing a parent's time more than two (2) twenty-four hour (24) periods in twenty-eight (28) days). These decisions and others relating to issues not included among those assigned to the Parenting Coordinator, as set forth in the stipulation and order, are reserved to the Monterey County Superior Court for adjudication. For those matters, a Parenting Coordinator's authority is limited to recommending to the parents (without any recommendation as to the preferred outcome) that the court be requested to review and consider any such matter. A party who wishes a court review of the matter following a recommendation for review by the Parenting Coordinator must file and serve a Request for Order in order for the matter to be reviewed and considered.

A. POWERS OF THE PARENTING COORDINATOR; FIRST LEVEL – AUTHORITY TO MAKE BINDING DECISIONS

The Parenting Coordinator shall have authority to make binding decisions, if the parties so stipulate, on matters relating to daily routines, management of services provided by third parties and minor alterations in the visitation schedule.

Subject to the stipulation of the parties, the Parenting Coordinator has the authority to make decisions regarding the issues set forth below and such decisions are effective as orders when made. The decisions will continue in effect unless modified or set aside by a court of competent jurisdiction. Parenting Coordinator decisions on these matters shall be communicated to parties and counsel in person, by telephone, mail, fax, email or email attachment and/or personal delivery, and will take effect immediately upon issuance.

1. Minor alterations in schedule that do not substantially alter a child's time with either

parent during a thirty (30) day period

2. Dates, times, designated person, location and method of pick-up and delivery

3. Sharing of parent vacations and holidays

4. Responsibility for transportation of the child(ren) to accommodate time-sharing between the parents

5. Selection of child care/daycare and babysitting providers

6. Childrearing disputes such as bedtime, diet, clothing, homework, and discipline

7. Participation in afterschool, enrichment, and athletic activities

8. Scheduling disputes arising from afterschool, enrichment, athletic, religious education and training and other activities

9. Health care management, such as scheduling appointments, and determining who attends appointments and responsibility for reporting the outcome of any appointments to the other parent

10. Participation of others in a parent's designated time with the child(ren) (significant others, relatives, etc.)

11. In the case of infants and toddlers, increasing time share when developmentally appropriate

12. Right of first refusal for child care responsibilities

13. Scheduling swaps of custodial time

14. Coordinate participation in court-ordered alcohol and drug monitoring or testing, including setting a process for selection of monitors or testers if the parents cannot agree

15. Other matters, subject to the stipulation of the parties and the approval of the court

B. POWERS OF THE PARENTING COORDINATOR; SECOND LEVEL – AUTHORITY TO MAKE RECOMMENDATIONS TO THE COURT

The Parenting Coordinator shall have authority to make recommendations on issues having a longer-term impact on the children's best interests, short of changes in physical or legal custody or substantially limiting parents' access to children.

The Parenting Coordinator has the authority to make recommendations on the issues set forth below. The recommendations shall be submitted to the court, which may approve them and enter them as court orders.

1. Alterations in schedule that do not increase or decrease a child's time with either parent by more than two (2) twenty-four (24) hour periods in twenty-eight (28) days

2. Coordinating church attendance and religious classes

3. Large changes in vacation and holiday timeshare

4. Supervision of a child's contact with a parent

5. Private or public school education

6. Appointment of counsel for a child

7. Recommending a child custody investigation, evaluation or re-evaluation, including setting a process for selection of a professional when the parents cannot agree

8. Recommending participation by parents and/or children in alcohol and drug evaluation, monitoring, and/or testing

9. Recommending participation by the parents and/or children in health services, including physical and psychological examinations, assessments, and psychotherapy, and including recommending a process for selection of providers

A Parenting Coordinator's recommendation on these matters shall be served on the court, parties, and counsel by mail, fax, or personal delivery. Either party shall have the right to request a written explanation from the Parenting Coordinator of any recommendation, which shall be provided within ten (10) calendar days to parties, counsel, and the court. The Parenting Coordinator recommendations shall be subject to adoption by the court as an order unless either party files and serves a motion objecting to entry of the order within twenty (20) calendar days of service of the recommendations.

(Adopted October 1, 1998; Amended July 1, 2015)

11.04 PROCEDURE FOR IMPLEMENTING RECOMMENDATIONS

A. The Parenting Coordinator's decisions on first-level matters shall be communicated to parties/counsel orally and/or in writing, in person, by telephone, fax, email or email attachment, and/or mail, and take effect immediately.

B. The Parenting Coordinator's recommendation on second-level matters shall be communicated in writing to the court/parties and counsel by mail, fax, or personal delivery. The Parenting Coordinator's recommendations are subject to adoption by the court as an order after fifteen (15) days unless either party files and serves a motion objecting to entry of the order. Either party should have the right to request a written explanation of any recommendation, to be provided within twenty (20) calendar days, to the other party, counsel, and the court.

(Adopted October 1, 1998; Amended July 1, 2015)

11.05 COOPERATION AND COMMUNICATIONS

A. Both parents shall participate in the dispute resolution process as defined by the Parenting

Coordinator and shall be present when so requested by the Parenting Coordinator. The Parenting Coordinator may conduct sessions that are informal in nature, by telephone or in person, and need not comply with the rules of evidence. No formal record need be made, except the Parenting Coordinator's written decision and recommendations and the parents' mutual agreements. 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, including individual and joint sessions with the parents. The Parenting Coordinator shall have the authority to communicate with the child(ren) and/or and other relevant third parties.

B. The parents shall provide all reasonable records, documentation, and information requested by the Parenting Coordinator.

C. The Parenting Coordinator may utilize consultants as necessary to assist the Parenting Coordinator in the performance of the duties.

D. The parents and their attorneys shall have the right to initiate or receive ex parte communication with the Parenting Coordinator under guidelines established by the Parenting Coordinator. Copies of all written communications to the Parenting Coordinator including emails are to be provided to the other party. The Parenting Coordinator may, in his/her sole discretion initiate written communications with a parent or counsel that are not copied to the other party.

E. The Parenting Coordinator may communicate with the parties' child or children outside the presence of the parents. The Parenting Coordinator may communicate with the therapists who are treating the parties' child or children as well. The Parenting Coordinator may keep such communications confidential.

F. Except as to communications referred to in rule 11.05 (E), the Parenting Coordinator process is not confidential. If the Parenting Coordinator is a licensed mental health professional, no therapist-patient relationship and/or privilege is created by the stipulation to use a Parenting Coordinator. If the Parenting Coordinator is a licensed attorney, no client-attorney relationship and/or privilege is created by the stipulation to use a Parenting Coordinator.

(Adopted October 1, 1998; Amended July 1, 2015)

11.06 PARENTING COORDINATOR ROLE WHEN ISSUES ADDRESSED INTERRELATE WITH FINANCIAL OR PROPERTY ISSUES.

If issues arise that are outside of the expertise of the Parenting Coordinator, particularly issues such as support, use or occupancy of property, management of assets and other financial issues, the Parenting Coordinator shall inform the parties, and their attorneys that these issues are not within the scope of the Parenting Coordinator’s authority.

(Adopted October 1, 1998; Amended July 1, 2015)

CHAPTER 11

PARENTING COORDINATOR GUIDELINES (CHILD CUSTODY AND VISITATION)

11.07 IMMUNITY; TESTIMONY

The Parenting Coordinator is a court officer and has quasi-judicial immunity. The Parenting Coordinator cannot be sued based on his/her actions in this matter, so long as the Parenting Coordinator maintains neutrality and performs quasi-judicial functions. (See *Howard v. Drapkin* (1990) 222 Cal.App.3rd 843.) The Parenting Coordinator's file may not be subpoenaed, and the Parenting Coordinator may not be compelled to testify.

(Adopted October 1, 1998; Amended July 1, 2015)

11.08 FORMAT OF ORDER APPOINTING PARENTING COORDINATOR

A proposed stipulation and order for use and adaptation as appropriate is included in these guidelines (See Attachment, Order Appointing Parenting Coordinator). The court and counsel may fashion individual orders for unique situations.

(Adopted October 1, 1998; Amended July 1, 2015)

CHAPTER 11

PARENTING COORDINATOR GUIDELINES (CHILD CUSTODY AND VISITATION) ATTACHMENT ODER APPOINTING PARENTING COORDINATOR

SUPERIOR COURT OF CALIFORNIA
County of Monterey

In Re the Marriage of: Petitioner: and Respondent:	Case No. STIPULATION AND ORDER RE APPOINTMENT OF PARENTING COORDINATOR

PRINCIPLES:

A. The parents acknowledge that their child(ren) will benefit from a meaningful relationship with both parents that continued parental conflict will generally negatively impact their child(ren)'s adjustment, and that every effort should be made to keep the child(ren) out of the middle of their parents' disputes and communications.

B. The parents agree voluntarily to enter into this Agreement because of a desire to:

- De-escalate parental conflict to which the child(ren) are exposed;
- Focus on their child(ren)'s needs and best interests;
- Promote their child(ren)'s optimum adjustment;
- Resolve issues and disputes between the parents concerning the clarification, implementation, modification and/or adaptation of the court-ordered parenting plan through the informal process described in this order in a timely and cost efficient manner without litigation; and
- Benefit from the direction of a qualified professional chosen to serve as the Parenting Coordinator.

C. Parenting Coordination is a child-focused dispute resolution process that combines parent education, dispute assessment, mediation, facilitated negotiation, and conflict and communication management. When parents are unable to resolve their parenting disputes with the Parenting Coordinator's assistance, the Parenting Coordinator makes recommendations or decisions on issues that are specified in this Stipulation and Order. The ultimate goal is to help parents learn to resolve disputed or difficult issues amicably and efficiently on their own, without having to involve the Parenting Coordinator or the adversarial process.

CHAPTER 11

PARENTING COORDINATOR GUIDELINES (CHILD CUSTODY AND VISITATION)

PURSUANT TO THE STIPULATION OF THE PARENTS hereinafter set forth, and good cause appearing therefor,

IT IS ORDERED, ADJUDGED AND DECREED THAT:

A. APPOINTMENT:

1. _____is appointed Parenting Coordinator by agreement of the parties until resignation of the Parenting Coordinator or written agreement of the parents, further court order, or _____months (normally not to exceed three (3) years) after the date on which this stipulated Order becomes effective, whichever first occurs.

2. This appointment is based upon the expertise of the Parenting Coordinator as a licensed mental health professional or licensed attorney. However, the Parenting Coordinator process is not confidential. If the Parenting Coordinator is a licensed mental health professional, no therapist-patient relationship and/or privilege is created by this stipulation. If the Parenting Coordinator is a licensed attorney**,** no client-attorney relationship and/or privilege is created by this stipulation.

3. The Parenting Coordinator is a Court Officer and has quasi-judicial immunity. The Parenting Coordinator cannot be sued based on his/her actions in this matter. The Parenting Coordinator's file may not be subpoenaed, and the Parenting Coordinator may not be compelled to testify.

4. The Parenting Coordinator may resign any time he/she determines the resignation to be in the best interest of the child(ren) or the Parenting Coordinator is unable to serve out his/her term, upon thirty (30) days written notice to the parents.

B. AUTHORITY OF PARENTING COORDINATOR

5. The role of the Parenting Coordinator is to decide disputes relating to the clarification and implementation of current court-ordered parenting plans. The Parenting Coordinator may also make decisions regarding the parenting matters listed below in Section C (Level One Authority), and the Parenting Coordinator may make recommendations, but not decisions, regarding the other parenting matters listed below in Section D (Level Two Authority).

6. If either party requests a decision or recommendation that would change a provision set forth in an existing order re child related issues, the party requesting the change must demonstrate to the Parenting Coordinator that a change in the family's situation has occurred which warrants changing the specific provision, including substantial child development issues, in an existing order.

7. The Parenting Coordinator may only make decisions or recommendations resolving conflicts between the parents which do not affect the court's exclusive jurisdiction to determine fundamental issues of custody and time-share. Specifically, the Parenting Coordinator does not have authority to make any decisions or recommendations that alter a custodial designation of

joint or, sole, legal or physical custody established in a current order of the court, prohibit a party's contact with his/her children, or require or prohibit adherence to a religion or which substantially alter or reconfigure the parents' time sharing arrangements (defined as increasing or decreasing a parent's time more than two twenty-four hour periods in twenty-eight (28) days). These decisions and others relating to issues not included among those assigned to the Parenting Coordinator, as set forth in the Stipulation and Order, are reserved to the Monterey County Superior Court for adjudication.

8. For the matters described in Section 7, the Parenting Coordinator's authority is limited to recommending to the parents (without any recommendation as to the preferred outcome) that the court be requested to review and consider any such matter. A party who wishes a court review of the matter following a recommendation for review by the Parenting Coordinator must file and serve a Request for Order for the matter to be reviewed and considered by the court.

C. AUTHORITY TO MAKE DECISIONS AND ORDERS (LEVEL ONE AUTHORITY)

9. Each party specifically agrees that the Parenting Coordinator may make decisions regarding possible conflicts they may have on the following issues, and that such decisions are effective when made and will continue in effect unless modified or set aside by a court of competent jurisdiction:

- Minor alterations in schedule that do not substantially alter a child's time with either parent during a thirty (30) day period
- Dates, times, designated person, location and method of pick-up and delivery
- Sharing of parent vacations and holidays
- Responsibility for transportation to accommodate time-sharing between the parents
- Selection of child care/daycare and babysitting providers
- Childrearing disputes such as bedtime, diet, clothing, homework, and discipline
- Participation in afterschool, enrichment, and athletic activities
- Scheduling disputes arising from afterschool, enrichment, athletic, religious education and training and other activities
- Health care management, such as scheduling appointments, and determining who attends appointments and who is responsible for reporting the outcome of any appointments to the other parent
- Participation of others in a parent's time with the child(ren) (significant others, relatives, etc.)

- In the case of infants and toddlers, increasing time share when developmentally appropriate

- Right of first refusal for child care responsibilities

- Scheduling swaps of custodial time

- Coordinate participation in court-ordered alcohol and drug monitoring or testing, including setting a process for selection of monitors or testers if the parents cannot agree

- Other matters, subject to the stipulation of the parties and the approval of the court

(Note: the parents may exclude specified items from the above list by agreement of the parents and Parenting Coordinator).

10. Decisions on the matters listed above are binding when communicated by phone, voicemail, fax, email, including email attachments, or personal delivery. If communicated by phone or voicemail, a written communication will also be sent to the parents. At the request of either parent, a decision will be formalized by the Parenting Coordinator and submitted to the court to be entered as a court order. By signing this agreement, each parent acknowledges his/her understanding that the Parenting Coordinator's decisions on the issues listed above in paragraph 9 are binding on them. Such decisions are to be treated the same as final orders of the court, which may be reviewed by the state Court of Appeals.

D. AUTHORITY TO MAKE RECOMMENDATIONS TO THE COURT (LEVEL TWO AUTHORITY):

11. The Parenting Coordinator will have authority to make recommendations on the following issues:

- Alterations in schedule that do not increase or decrease a child's time with either parent by more than two (2) twenty-four (24) hour periods in twenty-eight (28) days

- Coordinating church attendance and religious classes

- Large changes in vacation and holiday timeshare

- Supervision of a child's contact with a parent

- Private or public school education

- Appointment of counsel for a child

- Recommending a child custody investigation, evaluation or re-evaluation, including setting a process for selection of a professional when the parents cannot agree

- Recommending participation by parents and/or children in alcohol and drug evaluation, monitoring, and/or testing

- Recommending participation by the parents and/or children in health services, including physical and psychological examinations, assessments, and psychotherapy, and including recommending a process for selection of providers

(Note: the parents may exclude specified items from the above list by agreement of the parents and Parenting Coordinator.)

12. Recommendation on these matters shall be served on the Court, parties and counsel by mail, fax or personal delivery. Either party shall have the right to request a written explanation from the Parenting Coordinator of any recommendation, which shall be provided within ten (10) calendar days to parties, counsel and the court. The Parenting Coordinator recommendations shall be subject to adoption by the Court as an order unless either party files and serves a motion objecting to entry of the order within twenty (20) calendar days of service of the recommendations.

E. PROCEDURE:

13. Both parents shall participate in the dispute resolution process as defined by the Parenting Coordinator and shall be present when so requested by the Parenting Coordinator. The Parenting Coordinator may conduct sessions which are informal in nature, by telephone or in person, and need not comply with the rules of evidence. No formal record need be made, except the Parenting Coordinator's written decision and recommendations and the parents' mutual agreements. 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, including individual and joint sessions with the parents and/or the child(ren) and other relevant third parties.

14. The parents shall provide all reasonable records, documentation, and information requested by the Parenting Coordinator.

15. The Parenting Coordinator may utilize consultants as necessary to assist the Parenting Coordinator in the performance of the duties contained herein.

F. COMMUNICATION WITH PARENTING COORDINATOR:

16. The parents and their attorneys shall have the right to initiate or receive ex parte communication with the Parenting Coordinator under guidelines established by the Parenting Coordinator. Copies of all written communications to the Parenting Coordinator including emails are to be provided to the other party. The Parenting Coordinator may, in his/her sole discretion initiate written communications with a parent or counsel that are not copied to the other party.

17. The Parenting Coordinator may communicate with the parties' child or children outside the presence of the parents. The Parenting Coordinator may communicate with the therapists who are treating the parties' child or children, as well. The Parenting Coordinator may keep such communications confidential.

G. CHILD ABUSE REPORTING

18. The Duty to Report: The California Penal Code mandates that all child care custodians and health care practitioners (Doctors, Marriage, Family and Child Counselors, Psychologists, Social Workers and others) report to child protective services information regarding child abuse that comes to the attention of the health care practitioner. The reporting requirement is an exception to the confidentiality privilege.

19. Immunity for Child Abuse Reporting: Health care practitioners who are required to report allegations of child abuse are immune from civil suits or liability for making their required reports. They cannot be sued for the report. Specific statutes provide for the immunity from civil suits.

20. Attorney Parenting Coordinator: The child abuse reporting statute does not apply to attorneys because attorneys are not named in the statute as a class of persons who mandatorily must report a child abuse allegation. However, an attorney Parenting Coordinator has the discretion to report any such allegation and may make such a report.

21. False Allegations of Child Abuse: The Family Code section 3027.1, subdivision (a), provides for a monetary sanction and attorney fees for any knowingly false allegation of child abuse made during a child custody proceeding. This section does not apply to a Parenting Coordinator who reports an allegation made to him/her by a parent, child, or other third party, but does apply to the person making the allegation to the Parenting Coordinator if the court finds that the initial allegation was made knowing that it was untrue.

H. FEES AND ALLOCATION OF FEES:

22. The Parenting Coordinator's fees shall be shared according to the following allocation: Petitioner %; Respondent %. The Parenting Coordinator will require an advance security deposit of $ from each party, to be returned to the parents at the end of the Parenting Coordinator tenure, less any balance owing by either party. The Parenting Coordinator may also require a retainer against which ongoing work is charged and which is to be replenished.

23. The Parenting Coordinator fees are $ per hour. Time spent in interviewing, report preparation, review of records and correspondence, telephone conversations with the parents or others relevant to the parental disputes, travel, court preparation and any other time invested in connection with serving as Parenting Coordinator will also be billed at the $ hourly rate. The Parenting Coordinator fee for Court appearances and settlement conference is $ per hour while in Court and at the settlement conference and $ per hour travel time to and from his/her office. The Parenting Coordinator shall have the right to allocate payment of his/her fees at a percentage different from the above if he/she believes the need for his/her services is attributable to the conduct and/or intransigence of one party.

24. The Parenting Coordinator shall be reimbursed for any expenses he/she incurs in association with his/her role as Parenting Coordinator. These costs may include, but are not limited to, the following: photocopies, messenger service, long distance telephone charges, express and/or certified mail costs, parking, tolls, mileage, and other travel expenses.

25. The Parenting Coordinator may require payment at the end of each in-person session, and require payment within ten days of receipt of billing sent for all other services, as above and may require replenishment of the retainer. Any objection to the Parenting Coordinator bills must be brought to his/her attention in written form within ten business days of the billing date; otherwise the billing shall be deemed agreed to. The Parenting Coordinator may cease to perform services for the parties if payment is not current.

26. In the event that either party fails to provide twenty-four (24) hours telephone notice of cancellation of any appointment with the Parenting Coordinator, such party shall pay all of the Parenting Coordinator charges of such missed appointment at the full hourly rate, at the discretion of the Parenting Coordinator.

I. GRIEVANCES:

27. The Parenting Coordinator may be disqualified on any of the grounds applicable to the removal of a judge, commissioner, referee or arbitrator.

28. Neither party may initiate court proceedings for the removal of the Parenting Coordinator or to bring to the court's attention any grievances regarding the performance or actions of the Parenting Coordinator without meeting and conferring with the Parenting Coordinator in an effort to resolve the grievance. Participation in an alternative dispute resolution process such as arbitration to resolve grievances may be required by the Parenting Coordinator prior to the Parenting Coordinator’s acceptance of this appointment.

29. Neither parent shall complain to the Coordinator's professional licensing board without first meeting and conferring with the Parenting Coordinator in an effort to resolve the grievance. In the event no resolution is reached, the parents and Parenting Coordinator shall attend at least one session of mediation or other alternate dispute resolution process prior to any action being undertaken.

30. The court shall reserve jurisdiction to determine if either or both parents and/or the Parenting Coordinator shall ultimately be responsible for any portion of all of said Parenting Coordinator time and costs spent in responding to any grievance and the Parenting Coordinator's attorney's fees, if any.

31. If either party or the Parenting Coordinator believes that there exists a grievance between them with respect to this stipulation that cannot be resolved**,** either party or the Parenting Coordinator can move the court for relief from this stipulation, after complying with paragraph thirty (30) above.

J. ENFORCEMENT:

32. The court reserves jurisdiction in the family law action to enforce the provisions of this stipulation.

33. In the event that arbitration proceedings or a legal action become necessary to enforce any provision of this order**,** the non-prevailing party shall pay attorney's fees and costs as may be incurred.

K. ADDITIONAL REPRESENTATIONS:

34. I have had an opportunity independently to consult with a lawyer of my choice before entering into this stipulation. I have read this stipulation and understand it. I freely and voluntarily enter into this stipulation.

Initials _____ _____

35. I choose to use the Parenting Coordinator process as an alternate method of dispute resolution to reduce future custody and visitation litigation. I waive the right to formal court litigation over the issues assigned to the Parenting Coordinator by this stipulation and order subject to the Court's power to review the Parenting Coordinator's decision.

Initials _____ _____

36. I understand that no California court can appoint a Parenting Coordinator without the consent of the parents, and that no California statute or court rule authorizes the appointment of a Parenting Coordinator absent such consent.

Initials _____ _____

37. I understand that the Parenting Coordinator will resolve certain disputes between the parties without a court hearing, and will issue some decisions that will be court orders automatically, and others that are recommendations for court orders.

Initials _____ _____

38. I understand that I cannot sue the Parenting Coordinator; that the Parenting Coordinator process is a quasi-judicial process; i.e., that the Parenting Coordinator has immunity from lawsuits to the broadest extent permissible under the law. The procedures set forth in this stipulation and order for addressing grievances about the Parenting Coordinator decision-making process and decisions are the sole remedy for complaints about the Parenting Coordinator available to me.

Initials _____ _____

39. I understand that the Parenting Coordinator has made no warranties or guarantees relating to his/her conclusions, findings, or orders. The Parenting Coordinator shall exercise independent judgment in making decisions. The fees and costs paid under this stipulation and order are not contingent on results or outcome.

Initials _____ _____

40. I agree that the executed copy of this Stipulation is a release allowing the Parenting Coordinator to speak with mental health providers who are treating me and/or my children. I understand that by signing this stipulation that the mental health providers may share confidential information with the Parenting Coordinator.

Initials _____ _____

41. I have had the opportunity to investigate and consider the training and experience of the Parenting Coordinator appointed in this stipulation, and I am satisfied that this person is qualified to serve as my Parenting Coordinator.

Initials _____ _____

DATED: _____ DATED: _____

_____ _____
MOTHER FATHER

_____ _____
ATTORNEY FOR MOTHER ATTORNEY FOR FATHER

I agree to serve as Parenting Coordinator in this case.

_____
PARENTING COORDINATOR

FINDINGS AND ORDER

Based upon the stipulation of the parents (who have signed this stipulation and initialed this stipulation where indicated to document their agreement), the court finds that the parties have knowingly, intelligently, and voluntarily agreed to the terms of this stipulation, after having been advised to consult with independent counsel.

Upon reading the foregoing stipulation, and good cause appearing therefor, IT IS SO ORDERED:

DATE: _____ _____
SUPERIOR COURT JUDGE