

**Rule 1915.17 Appointment of Parenting Coordinator**

- (a) In cases involving repeated or intractable conflict affecting implementation of a Final Custody Agreement, Parenting Plan or Order, concerning custodial parenting time or responsibility, the Court may, on the application of either party or its own motion, appoint a Parenting Coordinator to assist the parties in implementing the custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order and in resolving related parenting issues about which they do not agree. Appointment of a Parenting Coordinator shall occur when the Court concludes that such action serves the best interests of the child(ren).
- (b) The Parenting Coordinator shall discuss relevant parenting issues with both parties and other persons as needed, and shall attempt to facilitate a mutually accepted resolution.
- (c) If the parties are unable to resolve the issue(s), the Parenting Coordinator is authorized (but is not required) to decide the issue.
- (d) The Parenting Coordinator has authority to decide issues concerning partial physical custody and visitation to the extent set forth in the Custody Agreement/Parenting Plan/Order appointing the Parenting Coordinator. The following specific issues are excluded from the Parenting Coordinator's function and decision-making authority:
  - (1) A change in legal custody decision-making authority set forth in the Custody Agreement/Parenting Plan/Order;

- (2) A change in primary physical custody (residential parenting time) as set forth in the Custody Agreement/Parenting Plan/Order;
- (3) A change in the court-ordered custody schedule (parenting time) that substantially reduces or expands the child(ren)'s time with one or both parties;
- (4) A change in the geographic residence of the child(ren)'s (relocation) that would render implementation of the current Custody Agreement/Parenting Plan/Order impossible or impracticable;
- (5) Determination of financial issues, other than allocation of the Parenting Coordinator's fees.

The Parties may mutually agree in writing to submit any of the excluded issues set forth above to the Parenting Coordinator for facilitation and recommendation which recommendation shall only become binding upon written agreement of the parties.

- (e) The Parenting Coordinator shall be either:
  - (1) a licensed mental health professional with a master's degree (or equivalent or higher degree) who has practiced at least 5 years; or
  - (2) a licensed attorney practicing family law for at least 5 years.
- (f) The Parenting Coordinator's qualifications shall include, at a minimum:
  - (1) Training or experience in family dynamics, childhood development, custody, separation and divorce; and
  - (2) Training in the parenting coordination process and family law as established by the Pennsylvania Supreme Court; and

- (3) Forty hours of mediation training under Pa. R. Civ. P. §1940.4, excluding mediation supervision under Pa. R. Civ. P. §1940.4(a) (4); and
- (4) Training in the dynamics of domestic violence; and
- (5) Completion of at least ten continuing education credits in any topic related to Parenting Coordination in each two year period.

(g) Protocols for the Parenting Coordination process shall be set forth in the Order appointing the Parenting Coordinator and / or by separate agreement between the parties and Parenting Coordinator.

In cases where abuse (as defined under 23 Pa. C.S. § 6102) is alleged, the protocols should include measures for the safety and protection of the participants, unless the Court deems the measures unnecessary.

(h) A Court-appointed Parenting Coordinator is an officer of the Court, and has quasi-judicial immunity.

(i) Communications with the Parenting Coordinator are not confidential.

(j) The Parenting Coordinator's decisions may be provided to the parties verbally, but shall be communicated in writing as soon as practicable and filed in the prothonotary's office at the parties' custody docket.

(k) Decisions made by the Parenting Coordinator shall be binding upon the parties pending further Order of Court.

(l) Any party seeking judicial review of the Parenting Coordinator's Decision must file a Petition for de novo hearing within 20 days of the filing of the Decision stating specifically the issue(s) to be reviewed and attaching a copy of the Decision. The Petition must be served on

the other party(ies) and the Parenting Coordinator, in accordance with the Rules of Civil Procedure. The hearing before the Court shall be de novo. The Court shall hear the case on the record, and shall render a decision within the time periods set forth in Rule 1915.4.

(m) The parties shall share the cost of the Parenting Coordinator pursuant to the parties' respective financial circumstances or as the Parenting Coordinator or Court may otherwise direct.

(n) In allocating costs, the Parenting Coordinator or Court may consider whether one party has caused a disproportionate need for the services of the Parenting Coordinator.

(o) In review proceedings under subsection (l), the Court may elect to impose counsel fees and / or the Parenting Coordinator's fees upon the non-prevailing party, upon cause shown.

(p) The Court may maintain a roster of individuals it deems qualified to serve as Parenting Coordinators, and may establish training and grievance procedures if it deems them appropriate.

(q) The Order entered pursuant to this Rule shall be substantially in the following form:

**Comment To The Proposed Rule**

Following the entry of a final Custody Order, some cases involve repeated or intractable conflict. These cases involve repetitive filings and litigation that detrimentally affect the children and disproportionately consumes limited judicial resources.

Parenting Coordination can be an effective tool to prevent escalation of conflict between the parties, including (but not limited to) cases where domestic violence is or has been involved. The Parenting Coordinator's initial role is to attempt an agreed resolution of disputes between the parties. Failing that, the Parenting Coordinator is authorized to make decisions as set forth in Rule 1915.17 (d). As Pennsylvania law precludes mediation in cases where domestic violence is alleged, the methods used by the Parenting Coordinator must conform to that prohibition where applicable.