

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
MEDINA COUNTY, OHIO

COMMON PLEAS COURT

2023 FEB -7 A 11:38

IN RE:)
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LOCAL RULE 20)

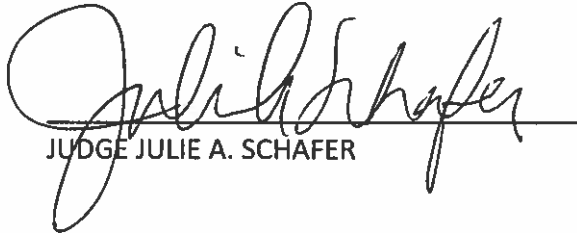
FILED
DAVID B. WADSWORTH
MEDINA COUNTY
CLERK OF COURTS

Pursuant to Ohio Rules of Superintendence 5(A), the Court has determined that there is an immediate need to for Local Rule 20, and is adopting this rule, effective immediately, subject to any changes after the public comment period has expired.

The Medina County Domestic Relations Court will accept public comments until February 21, 2023, on the following amendment to the Rules of Practice and Procedure of the Court of Common Pleas, Domestic Relations Division.

No later than Tuesday, February 21, 2023, at 4:00 p.m., comments regarding the amendment shall be submitted in writing to: DR_local_rules@medinadr.org

IT IS SO ORDERED.


JUDGE JULIE A. SCHAFER

LOCAL RULE 20: PARENTING COORDINATION

Parenting Coordination.

The Medina County Domestic Relations Court adopts Rule 20 effective February 7, 2023.

20.01 Definitions

As used in this rule:

(A) Domestic abuse

“Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.

(B) Domestic violence

“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).

(C) Parenting coordination

“Parenting coordination” means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making. “Parenting coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.

(D) Parenting coordinator

“Parenting coordinator” means an individual appointed by the Court to conduct parenting coordination.

20.02 Purpose

This rule allows for the earliest possible resolution of disputes related to parental rights and responsibilities or companionship time orders.

20.03 Scope

At any point after a parental rights and responsibilities or companionship time order is filed, the Court may order parenting coordination except to determine the following:

- (A) Whether to grant, modify, or terminate a protection order;
- (B) The terms and conditions of a protection order;

- (C) The penalty for violation of a protection order;
- (D) Changes in the designation of the primary residential parent or legal guardian;
- (E) Changes in the primary placement of a child.

20.04 Appointment

(A) Reasons for Ordering Parenting Coordination

The Court may order parenting coordination, sua sponte or upon written or oral motion by one or both parties, when one or more of the following factors are present:

- (1) The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need ongoing assistance;
- (2) There is a history of extreme or ongoing parental conflict that has been unresolved by previous litigation or other interventions and from which a child of the parties is adversely affected;
- (3) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the Court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- (4) The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, specified in an order of the Court, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the Court;
- (5) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
- (6) Any other factor as determined by the Court.

(B) Parenting Coordinator Qualifications

The Court may appoint an individual as a parenting coordinator who meets all of the following qualifications:

- (1) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;

- (2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
- (3) Has completed the following training approved by the Dispute Resolution Section of the Supreme Court:
 - (a) At least twelve hours of basic mediation training;
 - (b) At least forty hours of specialized family or divorce mediation training;
 - (c) At least fourteen hours of specialized training in domestic abuse and dispute resolution;
 - (d) At least twelve hours of specialized training in parenting coordination.

(C) Parenting Coordinator Continuing Education

To maintain eligibility for appointment, a parenting coordinator shall complete at least three hours per calendar year of continuing education relating to children that has been approved by the Dispute Resolution Section of the Supreme Court.

(D) Parenting Coordinator Appointment Order

The Court's appointment order shall set forth all of the following:

- (1) The name of the parenting coordinator and any contact information the Court may choose to include;
- (2) The specific powers and duties of the parenting coordinator;
- (3) The term of the appointment;
- (4) The scope of confidentiality;
- (5) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;
- (6) Parenting coordination terms and conditions;

(E) Selection of Parenting Coordinator for Appointment

The parenting coordinator who meets the qualifications in division 20.04(B) of this rule, shall be selected using one of the following:

- (1) Use of a Court employee;
- (2) Random selection by the Court from the Court's roster of parenting coordinators;
- (3) Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
- (4) Parties select a parenting coordinator from the Court's roster of parenting coordinators;

(F) Prohibited Parenting Coordinator Appointments

The Court shall not appoint a parenting coordinator who does not possess the qualifications in division 20.04(B) of this rule or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party. Parties may not waive this prohibition.

(G) Appointment of Mediator as Parenting Coordinator

With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.

(H) Termination or Modification of Parenting Coordinator Appointment

Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

20.05 Parenting Coordinator Responsibilities

(A) Ability to perform duties

A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.

(B) Compliance with appointment order

A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.

(C) Independence, objectivity, and impartiality

A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

(D) Conflicts of interest

(1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

(2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court.

(E) Ex parte communications

A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(F) Legal advice

A parenting coordinator shall not offer legal advice.

(G) Reporting

(1) A parenting coordinator shall submit a resume to the Court documenting compliance with division 20.04(B); provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number and, if available, electronic mail address contained in the resume.

(2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division 20.04(C), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

(A) Screening for and disclosure of domestic abuse and domestic violence

- (1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
- (2) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
- (3) When domestic abuse or domestic violence is alleged, suspected, or present, before proceeding, a parenting coordinator shall do each of the following:
 - (a) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
 - (b) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
 - (c) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

(B) Disclosure of abuse, neglect, and harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

(C) Attendance and participation

- (1) Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
- (2) A parenting coordinator shall allow attendance and participation of the parties and, at the discretion of the parenting coordinator, their attorneys and any other individuals designated by the parties.

(D) Referrals to support services

A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses or education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.

(E) Parenting coordination agreements, reports, and decisions

- (1) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
- (2) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:
 - (a) Dates of parenting coordination session(s);
 - (b) Whether the parenting coordination session(s) occurred or was terminated;
 - (d) Requests to reschedule a parenting coordination session(s), including the name of the requestor and the whether the request was approved;
 - (e) Whether an agreement was reached on some, all, or none of the issues;
 - (e) Who was in attendance at each session(s);
 - (f) The date and time of a future parenting coordination session(s);
 - (g) Whether any decisions were written and if so, the date(s);
- (3) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:
 - (a) Case caption, including the case number;
 - (b) Date of the decision;

- (c) The decision of the parenting coordinator;
- (d) Facts of the dispute and facts upon which the decision is based;
- (e) Reasons supporting the decision;
- (f) The manner in which the decision was provided to the parties;
- (g) Any other necessary information.

(4) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties to the action, not later than ten days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling on the objections within thirty days from the date of the last objection filed.

(F) Parenting coordinator evaluations and complaints

- (1) The Court shall complete a review of the parenting coordinators on the Court's roster in January of each year.
- (2) A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Court Administrator, and include all of the following:
 - (a) The case caption and case number;
 - (b) The name of the parenting coordinator;
 - (c) The name and contact information for the person making the complaint;
 - (d) The nature of any alleged misconduct or violation;
 - (e) The date the alleged misconduct or violation occurred;
- (3) The Court Administrator shall provide a copy of the complaint to the parenting coordinator;
- (4) The parenting coordinator has fourteen days from the date of the receipt of the complaint to respond in writing to Court Administrator.

- (5) The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint was received.

(G) Fees

A parenting coordinator shall be paid up to \$250/hour, unless otherwise ordered by the Court. The fees shall be determined by the Court and included in the appointment order.

(H) Stay of Proceedings

Unless otherwise provided by court order, referral of a case to parenting coordination stays a case until further notice. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:

- (1) An objection to a parenting coordinator's decision;
- (2) A motion to lift the stay;
- (3) A response to a motion to lift the stay;
- (4) An application to dismiss the case;
- (5) A notice related to counsel; or
- (6) A motion for changes in the designation of the primary residential parent or legal guardian.

20.07 Confidentiality and Privilege

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

20.08 Public Access

The files maintained by a parenting coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

20.09 Model Standards

The Court and a parenting coordinator shall comply with the “Guidelines for Parenting Coordination” developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination. Wherever a conflict exists between the “Guidelines for Parenting Coordination” and this rule, this rule shall control.

20.10 Court Reporting Requirements

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court all of the following:

- (A) A copy of this rule;
- (B) A copy of the Court’s current roster of parenting coordinators;
- (C) A copy of each new or updated resume received by the Court from a parenting coordinator during the previous year;
- (D) A copy of each list of continuing education training received by the Court from each parenting coordinator.

20.11 Sanctions

The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney’s fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.