

IN THE DISTRICT COURT IN AND FOR THE STATE OF OKLAHOMA, COUNTY OF TULSA
 IN RE THE MARRIAGE OF:

_____)
)
 Plaintiff/Petitioner,)
)
 and) Case No. _____
)
 _____) Judge _____
)
 Defendant/Respondent.)

ORDER APPOINTING PARENTING COORDINATOR

NOW on this _____ day of _____, 2003, this matter comes before the undersigned Judge of the District Court pursuant to 43 O.S. § 120.1 *et seq.* to appoint a Parenting Coordinator. The Court, having reviewed the file and considered the premises FINDS AND ORDERS as follows:

1. Existing Order(s).

A. The parties are currently operating under the following custody/visitation order: _____ (decree, order modifying), filed _____. The child/ren involved in this proceeding are:

_____, age _____, born _____
 _____, age _____, born _____
 _____, age _____, born _____
 _____, age _____, born _____

B. A Protective Order _____ has or _____ has not been entered between these parties. This Protective Order, Tulsa County Case No.

PO- 2003 - _____ is modified to allow limited contact for the purposes of parenting coordination, provided the following limits apply: _____

2. Jurisdiction.

A. This court has jurisdiction over child custody and parenting time issues pursuant to 43 O.S. § 551-101 et seq. because the court's current child custody determination was consistent with the provisions of the UCCJEA.

B. [Choose one of the following:]

_____ The parties agree and the Court so finds that appointment of a Parenting Coordinator is necessary to assist the parents in implementing the terms of the existing child custody and parenting time order for the specific issues listed in paragraph 5 below.

_____ The Court finds that the appointment of a Parenting Coordinator is in the best interest of the child/ren and that this is a high conflict case because the parties have demonstrated a pattern of ongoing litigation; anger and distrust; verbal abuse; physical aggression or threats of physical aggression; difficulty in communicating about and cooperating in the care of their child/ren; or conditions that, in the discretion of the Court, warrant the appointment of a Parenting Coordinator.

3. Parenting Coordinator.

_____, or his/her successor, is appointed as a Parenting Coordinator. The parties shall cooperate with the Parenting Coordinator and follow the terms specified in this order.

4. Term/Succession.

The term of the Parenting Coordinator’s service shall be for a period of _____ years from the date of this order. If the Parenting Coordinator requests to withdraw, then the Parenting Coordinator shall appoint another Parenting Coordinator who is agreeable to both parties. If the appointment is not made, then the Court will appoint a new Parenting Coordinator. If the Court terminates the appointment prior to the expiration date, notice shall be given to the Parenting Coordinator, and a hearing held.

5. Issues Subject to Parent Coordination.

A. General Authority. The Parenting Coordinator will aid the parties in:

- (1) Identify disputed issues;
- (2) Reducing misunderstandings;
- (3) Clarifying priorities;
- (4) Exploring possibilities for compromise;
- (5) Developing methods of collaboration in parenting; and
- (6) Complying with the Court’s order of custody, visitation or guardianship.

B. Decision Making Power. In order to carry out the general authority granted to the Parenting Coordinator, the following specific issues are submitted to the Parenting Coordinator for decision **(to be filled in by the Judge only)**:

- (1) _____

- (2) _____

- (3) _____

(4) _____

(5) _____

C. **Limits to Power.** The Parenting Coordinator shall not make any modifications to any order, judgment or decree in this case; however, the Parenting Coordinator may allow the parties to make minor, temporary departures from the parenting plan if authorized by the Court to do so. The Parenting Coordinator shall not divest the Court of exclusive jurisdiction to determine the fundamental issues of custody, visitation and child support.

6. Role of Parenting Coordinator.

A. **Decisions:** The Parenting Coordinator shall decide any issue as set forth in paragraph 5 within the scope of his/her authority by any appropriate dispute-resolution method. During this process, the Parenting Coordinator may coach and educate the parents about ways to better communicate about the child/ren and about child development issues.

B. **Recommendations:**

(1) The Parenting Coordinator may recommend to the Court that the parents participate in any of the following interventions:

- therapy, recognizing that couples counseling is not appropriate in cases involving domestic violence;
- treatment programs, including batterer’s intervention courses;
- mediation;

- custody/parenting time evaluation;
- programs for high conflict parents, anger management, etc.; and
- interventions for the minor child/ren including the appointment of an attorney or therapy.

(2) The Parenting Coordinator may recommend changes in the Parenting Coordinator's decision-making power to better accommodate the needs of the parties or their children that may arise during the parenting coordination.

(3) Any recommendations shall be submitted to the court in writing with copies to each parent and attorneys involved in the case. The judge shall determine whether a modification is necessary to implement recommendations of the Parenting Coordinator.

C. Resolutions: The primary role of the Parenting Coordinator is to assist the parties in working out disagreements about the child/ren in a way that minimizes conflict. If the parties are able to resolve any matters through mutual agreement, the Parenting Coordinator shall make a decision whether to adopt that resolution as a decision, if the agreement falls within the purview of paragraph 5. If the adopted agreement does not fall within paragraph 5, then the Parenting Coordinator shall set the agreement forth as a recommendation.

7. Appointments with the Parenting Coordinator.

A. The Parenting Coordinator may set a time and place for a brief informational meeting.

B. Future appointments with the Parenting Coordinator may be scheduled at the request of either parent by telephone or in person with no

written notice required. Each parent shall make a good faith effort to be available for appointments when requested by the other parent or the Parenting Coordinator.

C. The Parenting Coordinator shall notify the Court, with copies to the parties or their attorneys, if either party refuses to cooperate.

8. Decision Making Process.

A. Both parents shall abide by rules and procedures set forth by the Parenting Coordinator for the scheduling and conducting of meetings. The Parenting Coordinator shall investigate and decide matters submitted to him/her by meeting with the parents, reviewing written materials submitted to him/her, and considering any other information relevant to the matter to be decided. Meetings may be held with both parents present or by meeting with one parent at a time. The Parenting Coordinator has discretion to allow either parent to appear by telephone.

B. The Parenting Coordinator may consult with professionals, family members and others who have information about the parents or child/ren, such as therapists, custody evaluators, school teachers, etc., and may consider that information in making a decision, as allowed by law. 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.

C. The Parenting Coordinator is authorized to interview the child/ren privately in order to ascertain the child/ren's needs as to the issues being decided. The Parenting Coordinator shall avoid forcing the child/ren to choose between the parents.

D. The parents shall provide all records, documentation and information requested by the Parenting Coordinator within fifteen (15) calendar days of the request. The Parenting Coordinator may not request materials subject to attorney/client privilege, and may not require the release of documents protected by law except upon proper consent and release by the parties, or by order of the court.

9. Communication.

A. The parents and their attorneys, if they are represented, may communicate with the Parenting Coordinator ex parte (without the other parent present). This applies to oral communications and any written documentation or communication submitted to the Parenting Coordinator.

B. The Parenting Coordinator may communicate ex parte with the parents and their attorneys, and other professionals involved in the case. This applies to both written and oral communications. The Parenting Coordinator may talk with each parent without the presence of either counsel.

C. The Parenting Coordinator shall not communicate ex parte with the judge assigned to the case.

D. The Parenting Coordinator may request instructions from the Court, either in a court hearing on this case or in writing directed to the court, with notice to all parties and attorneys.

E. Any party involved in any legal action that affects this order shall notify the Parenting Coordinator.

10. Report to Court.

A. Once a decision (under authority of paragraph 5) or recommendation (under suggestions allowed by Parenting Coordinator,

including under paragraph 6) of any or all of the issues is made, then a report shall be made by the Parenting Coordinator to the Court within twenty (20) days. The report shall be in writing and specifically address the issues submitted to the Parenting Coordinator for decision. The Parenting Coordinator shall state the reasoning or rationale for each decision or recommendation not agreed to by the parties. The report shall be on a form substantially similar to the form adopted by the Quality Assurance Panel for parenting coordination reports.

B. All decisions made by the Parenting Coordinator are final and binding when made by the Parenting Coordinator until suspended or contradicted by order of the Court. All recommendations must be adopted by the Court before they are binding.

C. The Parenting Coordinator shall send a copy of this written report with the decision/recommendation to both parties and any attorneys involved in the case.

D. The parties shall have ten (10) days in which to file an objection with the Court. The objection shall be sent to the opposing party/counsel and to the Parenting Coordinator. If an objection is made, then a response must be filed within ten (10) days. The Court should set the matter for hearing on the objection and notice provided to all parties and the Parenting Coordinator.

E. If no objection is filed on a decision by the Parenting Coordinator, the decision continues to be binding until the Court orders otherwise.

F. If no objection is filed on a recommendation, then the Court may adopt it in its own discretion. Any action by the Court must be mailed to the attorneys/parties and the Parenting Coordinator.

G. The parties should note that it is not the duty of the Parenting Coordinator or the Court to put the decision into a final order form.

H. If the Parenting Coordinator finds that there are actions by one or both parties which should be brought to the attention of the Court, such as one parent's non-cooperative behavior or failure to appear at appointments, then the Parenting Coordinator may send notification to the Court in the same manner as set forth above.

11. Confidentiality.

A. There is no confidentiality concerning communications between the parents and the Parenting Coordinator. As required by the court, the Parenting Coordinator may communicate with custody evaluators, therapists or other individuals investigating the issues. The Parenting Coordinator shall comply with the law to report child abuse, and threats of abuse against another person. In cases involving domestic violence, the Parenting Coordinator and legal counsel (or the parents themselves, if not represented) shall address to the Court any safety concerns, subject to the prohibition against ex parte communication.

B. By signing this Order each party agrees to allow the Parenting Coordinator to review documentation filed with the Court or received into evidence, voluntarily released by the parties, or released by order of the Court about him/her and their child/ren from the physician(s), therapist(s), teacher(s), evaluator(s), previous Parenting Coordinators and other

professionals involved in this case (except for the attorney representing him/her). Each party also agrees to allow the Parenting Coordinator to discuss issues contained in such files with the professional who keeps the file. The Parenting Coordinator, however, is not authorized to share the materials or discuss confidential information with anyone outside the case. This waiver does not extend to other privileges recognized by law.

12. Involvement of Parenting Coordinator in Litigation.

Before any party or party's attorney may employ discovery requests of a Parenting Coordinator, permission must be given by the court that such specific discovery requests may issue, including subpoenas for documents or for deposition. If either parent wishes the Parenting Coordinator to testify at a hearing or deposition other than to give a report on findings, the parent will be required to deposit in advance a reasonable fee to cover the hourly rate of the Parenting Coordinator.

13. Quasi-Judicial Immunity.

The Parenting Coordinator acts as a quasi-judicial officer in his/her capacity pursuant to this Order, and, as such, has immunity consistent with Oklahoma law as to all actions undertaken pursuant to the Court appointment and this Order. This immunity applies to all acts done by the Parenting Coordinator during the appointment and until the Parenting Coordinator is given notice of his/her termination. The immunity continues to apply to acts required by the Court to conclude the Parenting Coordinator's duty after termination.

14. Fees.

A. The Court finds that the parents have the financial capacity to pay for the Parenting Coordinator. The parties shall pay the Parenting Coordinator for all of his/her time and costs incurred in processing the case. This includes time spent reviewing documents and correspondence, meetings and telephone calls with parents, attorneys, and other professionals involved in the case, and deliberation and issuance of decisions. Costs shall include long-distance telephone calls, copies, fax charges, and all other similar costs incurred by the Parenting Coordinator pursuant to this Order. In addition, the parents shall pay for time spent by the Parenting Coordinator in any hearing, settlement conference, report writing, or other court appearance that the Parenting Coordinator's presence is requested or required. Nonpayment of fees may subject the nonpaying parent to prosecution for indirect contempt of court for failure to abide by the order. Prior to the first appointment, the parents shall provide the Parenting Coordinator with any retainer required by the Parenting Coordinator.

B. The Parenting Coordinator's hourly fee shall be paid as follows: Father shall pay _____% and Mother shall pay _____% . T h i s Parenting Coordinator may modify this allocation, or may recommend to the Court that the allocation be modified if the Parenting Coordinator finds that one parent is using his/her services unnecessarily and, as a result, is causing the other parent greater expense; or if one parent is acting in bad faith. Ultimately, the Court shall determine the proper allocation of fees between the parents and may require reimbursement by one parent to the other parent for any payment made to the Parenting Coordinator. Either parent may request the fees be reallocated at any time during the Parenting Coordinator's

term of appointment, unless good cause is shown for failing to appear at the appointment.

C. If one parent pays 100% of the Parenting Coordinator's fee, then that party has absolute right of indemnification against the other parent up to the percentage allocation that the other parent was responsible for. This reimbursement may be enforced by contempt.

15. Grievances.

A. The Parenting Coordinator may be disqualified or terminated during his/her term on any of the grounds applicable to a Judge or Arbitrator. Any grievance from either parent regarding the performance or actions of the Parenting Coordinator shall be dealt with in the following manner.

B. A person with a grievance shall discuss the matter with the Parenting Coordinator in person before pursuing it in any other manner.

C. If, after discussion, the parent decides to pursue a complaint, s/he must then submit a written letter detailing the complaint to the Parenting Coordinator, to the other parent, and any attorneys representing the parents and/or child/ren. The Parenting Coordinator shall provide a written response to the parents and attorneys within thirty (30) days.

D. The Parenting Coordinator will then meet with the complaining parent and his/her attorney (if any), to discuss the matter.

E. If the complaint is not resolved after this meeting, the complaining party may file a motion with the Court for removal of the Parenting Coordinator. Notice shall be given to the Parenting Coordinator, with an opportunity to be heard.

F. The Court shall reserve jurisdiction to determine if either or both parents and/or the Parenting Coordinator shall ultimately be responsible for any portions or all of the Parenting Coordinator's time and costs spent in responding to the grievance and the Parenting Coordinator's attorneys fees, if any.

DATED THIS _____ DAY OF _____, 2003.

JUDGE OF THE DISTRICT COURT

BOTH PARTIES HAVE AGREED (STIPULATED) TO THE TERMS OF THIS ORDER:

Plaintiff/Petitioner (signature)

Defendant/Respondent (signature)

Attorney for Plaintiff/Petitioner

Attorney for Defendant/Respondent