

RULE 34. Parenting Coordination

34.1 Definitions

As used in this rule:

(A) Domestic Abuse

“Domestic abuse” means **aggressive a pattern of abusive and controlling behaviors directed toward a current or former intimate partner that are physical, sexual, economic, spiritual, or coercively controlling.** ~~that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.~~ **“Domestic Abuse” may occur as a single aggressive behavior or a combination of aggressive behaviors and may vary from family to family in terms of frequency, recency, severity, intention, circumstance, and consequence.**

(B) Domestic Violence

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

(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. 16.20 through 16.25. ~~nor arbitration subject to R.C. Chapter 2711 or Sup. R. 15.~~

(D) Parenting Coordinator

“Parenting Coordinator” means an individual ~~appointed by the Court~~ **who conducts** parenting coordination.

34.2 Purpose

The purpose of this rule is to facilitate the earliest possible resolution of disputes related to parental rights and responsibilities or companionship time orders.

34.3 ~~Scope~~ Timing

Parenting coordination may be ordered at any time after a parental rights and responsibilities or companionship time order is filed **in a case involving allocation of parental rights, shared parenting, parenting time, or companionship time.** ~~but not 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.~~

34.4 Appointment-Ordering of Parenting Coordination

(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, at any point after an interim or final parental rights and responsibilities or companionship time order is filed, 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~~ **who** 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~~ **to adjust** in their parenting time schedule without assistance, even when minor in nature;
- (6) Any other factor as determined by the Court.

(B) Reasons Not to Order Parenting Coordination

The Court will not order parenting coordination to determine any of the following:

- (2) Changes in the designation of the residential parent or legal custodian;**
- (3) Changes in the school placement of a child, in the case of shared parenting;**
- (4) Substantive changes in parenting time;**

(5) The modification of child support or the allocation of tax exemptions or benefits or the division of uncovered medical expenses.

(6) The Court will not order parenting coordination in domestic violence cases under R.C. 2919.25, 2919.26, 2919.27, and 3113.31.

~~(B) Parenting Coordinator Qualifications~~

All existing divisions of Rule 34.4(B) through (I) are repealed and/or relocated under the new Rules.

34.5 ~~Parenting Coordinator Responsibilities~~ Responsibilities of Parenting Coordinator

(A) General responsibilities

In order to provide a fair parenting coordination process for the parties, a parenting coordinator shall comply with the “2019 Revised 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 and Sup.R.16.60 through 16.66, the Rules shall control.

(B) Conflicts of interest (Relocated from existing Rule 34.5 (D))

(1) A parenting coordinator shall avoid any ~~clear~~ **actual or apparent** 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,~~ **directly or indirectly benefit** except **from compensation** for services as a parenting coordinator.

(2) Upon becoming aware of a ~~clear~~ **any actual or apparent** conflict of interest, a parenting coordinator shall ~~advise~~ **advise** notify 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.

(3) A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

(C) Legal advice (relocated from existing Rule 34.5(F)).

A parenting coordinator shall not offer legal advice.

(D) Satisfaction of Training Requirements (Replaces existing Rule 34.4(B))

(1) A parenting coordinator shall meet the qualifications and comply with all training requirements of Sup.R.16.64 and Local Court Rules governing parenting coordinators and parenting coordination adopted under Sup.R.16.61. No parenting coordination shall proceed unless the parenting coordinator meets the qualifications, education, and training requirements of Sup.R.16.64.

- (2) A parenting coordinator shall meet the qualifications for parenting coordinators for this Court and promptly notify the Court of any grounds for disqualification or any issues affecting the ability to serve.
- (3) Upon request, a parenting coordinator shall provide the Court documentation indicating compliance with all training and education requirements so that the court may meet the requirements of Sup.R.16.64(A)(4). The documentation shall include information detailing the date, location, contents, credit hours, and sponsor of any relevant trainings.

(E) Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with requirements of and act in accordance with the appointment order issued by a court or division under Sup.R.16.65(B).

(F) Competence or Ability to Perform

A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:

- (1) The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator;
- (2) Personal circumstances, including but not limited to medical, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.

(G) Ex parte Communication (Existing Rule 34.5(E))

A parenting coordinator shall have no ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(H) Recordkeeping of Fees and Costs

A parenting coordinator shall maintain records necessary to document charges for services and expenses. A parenting coordinator shall issue invoices for services and expenses to the parties no less than once per month.

All other existing divisions of Rule 34.5(A) through (G) are repealed and/or relocated under the new Rules.

34.6 ~~Parenting Coordination Procedures~~ Parenting Coordinator Education and Training

(A) General (Replaces existing Rule 34.4(B) and (C))

- (1) Prior to accepting appointment to serve as a parenting coordinator, an individual shall meet all of the following qualifications:
 - a) Be an independently licensed mental health professional, be licensed to practice law in Ohio, or otherwise have education and experience satisfactory to the Court;
 - b) Possess extensive practical and professional experience with situations involving children. This experience may include counseling, casework, or legal representation in complex family law matters; serving as a guardian ad litem or mediator; or other equivalent experience satisfactory to the Court;
 - c) Complete “Fundamentals of Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R.16.23(A)(1) or qualify for an exception as provided in Sup.R.16.23(A)(2);
 - d) Complete “Specialized Family or Divorce Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R.16.23(B)(1)(c);
 - e) Complete “Specialized Domestic Abuse Issues in Mediation Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R.16.23(B)(1)(d);
 - f) Complete “Parenting Coordination Training” approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution.
- (2) Prior to accepting an appointment as a parenting coordinator in an abuse, neglect, or dependency case, an individual shall meet both of the following qualifications:
 - a) Complete the requirements of division (A)(1) of this Rule;
 - b) Complete “Specialized Child Protection Mediation” that has been approved by the Supreme Court Dispute Resolution Section in accordance with standards established by the Commission on Dispute Resolution under Sup.R.16.23(B)(2)(c).

(B) Continuing Education (Replaces existing Rule 34.4(D) and Rule 34.5(G))

- (1) A parenting coordinator shall complete at least six hours per calendar year of continuing education relating to children, mediation, or diversity. The diversity training may include

awareness and responsiveness; cultural and racial diversity; and the effects of a parenting coordinator's personal biases, values, and styles on the parenting coordination process. The continuing education may include continuing education for lawyers, social workers, psychologists, or other licensed mental health professionals and professional development events that are acceptable to the Court.

- (2) If a parenting coordinator fails to comply with the continuing education requirement of division (B)(1) of this rule, the parenting coordinator shall not be eligible to serve as a parenting coordinator until the requirement is satisfied.

All other existing divisions of Rule 34.5(A) through (G) are repealed and/or relocated under the new Rules.

34.7 Confidentiality and Privilege Appointment of Parenting Coordinator

(A) Selection of Parenting Coordinator for Appointment (Existing Rule 34.4(F))

The parenting coordinator who meets the qualifications in division ~~34.4(B)~~ 34.6 of this Rule And, if applicable division (C), shall will be selected using one of the following:

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

If a party objects to the appointment of a particular parenting coordinator, the party shall file a motion supported with an affidavit that states the objections with specificity. The Court will conduct a hearing.

(B) Prohibited Parenting Coordinator Appointments (Existing Rule 34.4(G))

The Court will not appoint a parenting coordinator who does not possess the qualifications in division ~~34.4(B)~~ 34.6 of this Rule, and, if applicable division ~~34.4(C)~~, 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.

(C) Termination or Modification of Parenting Coordinator Appointment (Existing Rule 34.4(I))

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

Existing Rule 34.7 is relocated under the new Rules to 34.10.

34.8 ~~Release of Records~~ Parenting Coordinator Appointment Order (Existing Rule 34.4(E))

The appointment order shall set forth all of the following:

- (1) ~~The name of the parenting coordinator and any contact information of the parenting coordinator the Court may choose to include~~ and the outline of the definition and purpose of the parenting coordinator;
- (2) ~~The Specific powers and duties of the parenting Coordinator;~~ The scope of authority of the parent coordinator;
- (3) The term of the appointment;
- (4) ~~The scope of confidentiality;~~ The allocation of responsibility for the fees and expenses related to the parenting coordination;
- (5) ~~The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;~~ The procedures for decision-making of the parenting coordinator;
- (6) ~~Parenting coordination terms and conditions;~~ The procedures for objecting to parenting coordinator decisions;
- (7) The time that the parties must contact the parenting coordinator.

Existing Rule 34.8 is relocated under the new Rules to 34.11.

34.9 ~~Public Access~~ Parenting Coordination Procedures (Existing Rule 34.6)

(A) Screening for Party Capacity, Domestic Abuse and Domestic Violence (Existing Rule 34.6(A) renamed)

- (1) ~~All cases shall be screened~~ The parent coordinator shall screen for domestic abuse and domestic violence and the capacity of the parties to participate before the commencement of the parenting coordination process and 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; the right to decline participation in the parenting coordination process; and, at the discretion of the parent

coordinator, the right to have any other individuals attend and participate in parenting coordination sessions;

- b) Determine if the parties have the capacity to participate without fear of coercion or control;
- c) Take any reasonable precautions to create a safe parenting coordination environment for the parties and all other persons involved in the process;
- d) Have procedures in place to terminate the parenting coordination session if there is a threat of domestic abuse, domestic violence, or coercion between the parties.

(B) Disclosure of Abuse, Neglect, and Harm (Existing Rule 34.6(B))

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 (Existing Rule 34.6(C))

- (1) Parties shall attend parenting coordination sessions. **It is an order of the Court.** 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, if the parties wish, their attorneys and any other individuals designated by the parties. A party shall notify the parenting coordinator at least one week before the session should a party want his/her attorney or other designated individual to attend.
- (3) Parties shall notify the parenting coordinator and the court of any changes of address, telephone number, and electronic mail address.
- (4) The parenting coordinator may notify the Court of noncompliance and request that sanctions be levied against the offending party.

(D) Referrals to Support Services (Existing Rule 34.6(D))

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 (Existing Rule 34.6(E))

- (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;
 - c) Requests to reschedule a parenting coordination session(s), including the name of the requestor and the whether the request was approved;
 - d) 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.

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 based upon a De Novo Standard of review.

(F) Parenting Coordinator Evaluations and Complaints (Existing Rule 34.6(F))

- (1) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.
- (2) The Court shall complete a review of the parenting coordinators on the Court's roster in January of each year.
- (3) A party to a case appointed to parenting coordination may file a complaint or written comments regarding the parenting coordinator within one year from the termination of the appointment. The complaint or written comments 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
- (4) The Court Administrator shall provide a copy of the complaint or written comments to the parenting coordinator;
- (5) The parenting coordinator has fourteen days from the date of the receipt of the complaint or written comments to respond in writing to the Court Administrator.
- (6) The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint or written comments were received.
- (7) The Court Administrator shall submit the complaint or written comments, the response of the parenting coordinator, and a report of his investigation to the Judge for consideration and appropriate action.

- (8) The Court will maintain a written record in the parenting coordinator's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the parenting coordinator of the disposition.

(G) Fees (Existing Rule 34.6(G))

All fees shall be determined by the Court and included in the appointment order. Fees shall be waived for indigent parties.

(H) Stay of Proceedings (Existing Rule 34.6(H))

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;
- (6) A motion for changes in the designation of the primary residential parent or legal guardian;
- (7) A motion for changes in the primary placement of a child.

Existing Rule 34.9 is relocated under the new Rules to 34.12.

34.10 ~~Model Standards~~ Confidentiality and Privilege (Existing Rule 34.7)

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 or privileged except as provided by law.

34.11 ~~Court Reporting Requirements~~ Release of Records (Existing Rule 34.8)

The parties shall allow the parenting coordinator access to any records that the parenting coordinator deems necessary to adequately perform his/her role. Upon request of the parenting

coordinator, parties shall sign all necessary authorizations to release records and information to the parenting coordinator.

34.12 ~~Sanctions~~ Public Access (Existing Rule 34.9)

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.

All existing provisions under Rule 34 not incorporated herein are repealed.