

Proposal 22-04
Offered by the Illinois State Bar Association

Rule 909. Parenting Coordinators

(a) Each judicial circuit may adopt rules for the conduct of parenting coordination which are consistent with this Rule, which shall include a clearly delineated process to develop specialized parenting coordination protocols, screening, procedures, and training in cases involving intimate partner violence.

(b) “Parenting coordination” is a child-focused alternative dispute resolution process conducted by a licensed mental health or family law professional and which combines assessment, education, case management, conflict management, dispute resolution, and decision-making functions. Parenting coordination is for coparents who are unable or unwilling to cooperate in making parenting decisions, communicate effectively with regard to issues involving their children, implement and comply with parenting agreements and orders, or shield their children from the impact of parental conflict. The purpose of parenting coordination is to protect and sustain safe, healthy, and meaningful parent-child relationships. The parenting coordinator assists coparents engaged in high conflict coparenting by:

(i) assisting coparents with clarifying, implementing, and complying with their parenting plan orders;

(ii) helping coparents reduce misunderstandings, clarify priorities, explore possibilities for compromise, and develop methods of collaboration in parenting their children;

(iii) educating coparents about their children’s needs in order to make timely and appropriate decisions in a manner consistent with the children’s developmental and psychological needs; and

(iv) timely resolving conflicts that may arise concerning parenting plans in order to reduce the amount of damaging conflict between coparents to which children are exposed and diminish a pattern of unnecessary re-litigation about child related issues.

A “parenting coordinator” is defined as the person appointed by the court to perform the duties of parenting coordination as set forth in this Rule.

(c) Basis for appointment of a parenting coordinator. Following the entry of a parenting plan, or prior to if approved by a court, after considering any allegations or evidence of intimate partner violence where one coparent has exhibited or continues to exhibit patterns of violence, threat, intimidation, and coercive control over their coparent, a parenting coordinator may be appointed by the court when deemed in the best interest of the child(ren) due to any of the following:

(i) The coparents have failed to adequately cooperate and communicate about issues involving their children;

(ii) The coparents have been unable to implement the existing parenting plan or parenting schedule;

(iii) Mediation has not been successful or has been determined by the court to be inappropriate;

(iv) The agreement of the coparents; and

(v) For such other reason as the court deems appropriate that does not exceed the authority under this Rule.

(d) The coparents shall comply with the recommendation(s) made by the parenting coordinator until and unless the court, after a hearing on the motion and any responses thereto, rules that the recommendations(s) at issue are either: (i) in contravention of the child(ren)'s best interests; or (ii) outside the scope of the authority granted to the parenting coordinator under this Rule, the applicable local circuit court rule(s), or the court order appointing the parenting coordinator.

(e) Duties of a parenting coordinator: A parenting coordinator facilitates the resolution of conflict among coparents regarding an existing parenting plan in a marital dissolution, parentage, or post-judgment case to: (i) monitor parental behaviors, including their compliance or lack thereof, with orders entered in their case by the court; (ii) mediate, and make recommendations with respect to disputes between the coparents upon request of a coparent or court order; (iii) make recommendations to the coparents for outside resources as needed and/or guidelines or rules for communication between the coparents; (iv) document allegations of noncompliance for the court; and (v) make recommendations to the court upon proper notice and petition.

(f) A parenting coordinator is authorized to make specific recommendations regarding the existing parenting plan including, but not limited to: (i) the time, place, and manner for the pick-up or drop-off of the child(ren) in relation to the coparents' designated parenting time or non-parent visitation; (ii) disputes regarding the extent and nature of the child(ren)'s participation in existing educational and extracurricular activities, including payment of expenses; (iii) minor alterations of parenting time or non-parent visitation to accommodate changes in schedule or availability of the child or a coparent, including make-up time if permitted by prior court order; (iv) holiday scheduling; (v) discipline and problematic behavior issues; (vi) health and personal care issues; and (vii) any other specific issues assigned to the parenting coordinator by the court or agreed by the coparents that does not exceed the authority under this Rule.

(g) Limitation on parenting coordination. A parenting coordinator shall not make recommendations as to: (i) allocation of parental responsibilities for decision making; (ii) initial allocation of parental responsibilities for parenting time and any allocation of parenting time beside minor alternations described in paragraph (e); (iii) relocation; (iv) establishing visitation by a non-parent; or (v) affect child support, spousal maintenance, or the allocation of property or debt of the marriage.

(h) The parenting coordinator shall provide his or her recommendations in writing to the coparents within 14 days of the receipt of all information necessary to make a recommendation. The coparents may submit the recommendations to the court for entry as an agreed order.

(i) A parenting coordinator is prohibited from serving as a court's professional evaluator pursuant to 750 ILCS 5/604.10(b) and (c) in any proceeding involving one or more coparents for whom the parenting coordinator has provided parenting coordination services. A previously appointed professional evaluator may be appointed a parenting coordinator in the same case only by agreement of the coparents and approval of the court.

(j) The coparents shall pay the parenting coordinator fees as ordered by the court upon consideration of the financial resources of the coparents, or agreed upon in writing by the coparents and the parenting coordinator.

(k) The coparents shall comply with the recommendation(s) made by the parenting coordinator until and unless the court, after a hearing on the motion and any responses thereto, rules that the recommendations(s) at issue are either: (i) in contravention of the child(ren)'s best interests; or (ii) outside the scope of the authority granted to the parenting coordinator under this Rule, the applicable local circuit court rule(s), or the court order appointing the parenting coordinator.

(l) Review by the court. A coparent may file a motion in the circuit court for review of any recommendation(s) made by the parenting coordinator, and the circuit court shall review the recommendation(s) at issue under a *de novo* standard of review. If a coparent files a motion for review and the court substantially affirms the recommendations of the parenting coordinator, the court may order the coparent opposing the recommendations to pay both coparents' reasonable attorney fees and costs incurred in connection with the issue brought before the court pursuant to 750 ILCS 5/508 and 46/802.

(m) The parenting coordinator shall have access to non-public court records involving the coparents, including orders of protection and civil no contact/stalking orders, if approved by the court.

(n) Communications with the parenting coordinator shall not be confidential, except as provided by another Rule, statute, or by court order in a case involving the same coparents. No *ex parte* communication by the parenting coordinator with the court shall be permitted. A parenting coordinator shall have the same immunity provided to all other professionals appointed under 750 ILCS 5/506.

(o) Each circuit judicial circuit's rules pertaining to parenting coordination shall ensure that parenting coordinators are qualified by education, experience, and training to undertake parenting coordination. It is suggested the minimum requirements include that each parenting coordinator: (i) possess a juris doctorate, or a master's degree in social work, psychology, or counseling or higher, or an equivalent degree in a related field; (ii) have at least five years of experience in law, mental health, or a related field; (iii) complete an approved course on domestic violence; (iv) attend at least four hours per year of continuing education programs which shall address, at a minimum,

psychological issues, the needs of children in cases of family separation, and family dynamics; and (v) the court may waive the requirements in (i)-(iv) above.