

## Rule 909

### PARENTING COORDINATION

- (a) **Court-Ordered Parenting Coordination.**
- (1) A parenting coordinator helps the parties implement court orders and with daily parenting matters. A parenting coordinator must not make decisions that would change legal or physical custody from one parent to the other or substantially change the parenting plan.
  - (2) Before ordering parenting coordination, a district court must determine whether parenting coordination is appropriate.
  - (3) An appropriate case for parenting coordination must involve the following:
    - (A) the child's parents are persistently in conflict with one another over child-related issues;
    - (B) parenting coordination is in the best interests of the child; and
    - (C) one or more of the following circumstances exist:
      - (i) parental problem-solving or communication is ineffective;
      - (ii) a parent has a history of substance abuse;
      - (iii) a history of domestic violence is present;
      - (iv) concerns exist about the mental health or behavior of a parent;
      - (v) a child has special needs; or
      - (vi) the district court otherwise determines parenting coordination is appropriate.
  - (4) When referring a dispute to parenting coordination, a district court must appoint a person who meets the qualifications under subsection (b).
- (b) **Qualifications of a Parenting Coordinator.**
- (1) **Approved Parenting Coordinator.** An approved parenting coordinator is an individual who has received a certificate of approval under Rule 911.
  - (2) **Attorney Appointed as a Parenting Coordinator.** A district court may appoint an individual licensed to practice law in Kansas as a parenting coordinator under K.S.A. 5-509. Before appointing an attorney to be a parenting coordinator, a district court must consider the attorney's knowledge and experience in domestic relations cases. An attorney who has not received a certificate of approval under Rule 911 is not considered an approved parenting coordinator.

- (c) **Court Order.** If a district court determines that parenting coordination is appropriate, the court must issue an order naming the parenting coordinator appointed to the case. The parenting coordinator must receive the written order before initiating parenting coordination. The order must include the provisions listed in paragraphs (1) through (5).
- (1) **Appointment of Parenting Coordinator.** The order must:
    - (A) specify the dispute to be resolved; and
    - (B) specify the parenting coordinator's term of appointment under the following guidelines:
      - (i) the term of appointment for a parenting coordinator must not exceed 24 months; and
      - (ii) at the end of a parenting coordinator's term of appointment, if the district court determines that parenting coordination is still appropriate, the court may reappoint the same parenting coordinator under this rule.
  - (2) **Not a Confidential Process.** The order must include a statement explaining that parenting coordination is not a confidential process, the parties waive confidentiality of the proceeding under K.S.A. 5-512, and the parenting coordinator has the responsibility to report to the court and to other authorities as the court order directs.
  - (3) **Written Reports or Recommendations.** The order must specify:
    - (A) whether the parenting coordinator must file written reports or recommendations with the court; and
    - (B) any information the parenting coordinator must include in a filed report or recommendation.
  - (4) **Communication with Each Party.** The order must specify whether the parenting coordinator may communicate individually with each party.
  - (5) **Communication with a Nonparty.** The order must specify whether the parenting coordinator may communicate with a nonparty, such as any person involved with the family, including a stepparent, the custody evaluator, an attorney, a school official, a physical or mental health provider, or any person the parenting coordinator determines to have a significant role in contributing to or resolving the dispute between the parties. If communication with a nonparty is permitted, the district court should direct the parties to execute a release or written consent authorizing the communication.
  - (6) **Fees and Other Charges.** The order must address the allocation of fees between the parties, including any prepayment

amount or an apportionment of parenting coordination costs between the parties. Any fee for parenting coordination should be based on the actual time expended by the parenting coordinator relating to the dispute between the parties unless the court directs otherwise. A fee for parenting coordination services must not include costs for professional time wholly unrelated to the scope of appointment.

- (d) **Written Agreement.** A parenting coordinator must enter into a written agreement with each party. The written agreement should include the parenting coordinator's expectations and procedures; billing practices, method of payment, and use of collections; and any other information the parenting coordinator deems necessary when providing parenting coordination services.
- (e) **Domestic Violence Screening.** A parenting coordinator must screen and continually monitor each dispute for domestic violence. A parenting coordinator should adapt the methods used during parenting coordination to avoid coercion or an imbalance of power and control between the parties. If a parenting coordinator does not have the competency to manage a dispute involving domestic violence, the parenting coordinator must not accept the parenting coordination or must terminate an existing parenting coordination.
- (f) **Objections to the Report or Recommendations.** A party may object to a parenting coordinator's report or recommendations by filing a motion with the district court.
- (g) **Withdrawal or Removal.** The district court may permit the withdrawal of or remove a parenting coordinator if the court finds:
  - (1) loss of neutrality that prevents objectivity by the parenting coordinator;
  - (2) nonpayment by a party;
  - (3) lack of cooperation by a party;
  - (4) threat to a party or the parenting coordinator;
  - (5) retirement or case load reduction by a parenting coordinator; or
  - (6) any other reason found by the district court.
- (h) **Reporting of CDRE Credit Hours to the District Court.** If requested by a district court, an approved parenting coordinator must report to the district court the number of CDRE credit hours the parenting coordinator has attended in the current compliance period.

[**History:** New rule adopted effective January 1, 2020.]