

Parenting Coordinator

A parenting coordinator is a neutral third person, appointed by the court in family law cases, who helps parents implement their parenting plans by facilitating resolution of disputes between the parents. A parenting coordinator is assigned after a parenting plan has been created. A parenting coordinator attempts to resolve parenting disputes by facilitating negotiations. If it becomes apparent that the dispute cannot be resolved by an agreement of the parties, then the parenting coordinator shall make a decision resolving the dispute. The parenting coordinator puts the agreement/decision in writing and provides a copy to the parents and the court. An agreement of the parents or decision by the parenting coordinator is binding upon the parents until further order of the court. A parenting coordinator **cannot** be called as a witness in future disputes and notes, records and recollections of the parenting coordinator are **confidential** and may not be disclosed except under special circumstances.

Parties are responsible for the fees of the parenting coordinator.

New Terminology

Parental Rights and Responsibilities

All rights and responsibilities a parent has concerning the parent's child.

Primary Residential Responsibility

Old Term: Physical Custody

A parent with more than 50% of the residential responsibility.

Old Term: Non-Custodial Parent

A parent with less than 50% of the residential responsibility.

Residential Responsibility

A parents responsibility to provide a home for the child.

Decision-making responsibility

Old Term: Legal Custody

Parenting Plan

Old Term: Custody agreement or proposal

Parenting time

Old Term: Custody or Visitation

Parenting Schedule

Old Term: Custody or Visitation Schedule

North Dakota
Court System

Family Law Resource Guide



May 1, 2010

Parenting Investigator

In any action for an annulment, divorce, legal separation, or other action affecting marriage, when either party has reason for special concern as to the future of the minor child, and in any action when the parenting rights and responsibilities concerning the child is contested, the court may appoint a parenting investigator to provide a report concerning parenting rights and responsibilities regarding the child. The parenting investigator must come from the North Dakota Supreme Court Parenting Investigator/GAL Roster, posted on ndcourts.gov. A parenting investigator will submit a report to the parties and court with their recommendation on primary residential responsibility. A parenting investigator **may be cross-examined** by the parties at the court hearing. A parenting investigator **does not** include a parenting plan with their report. The parties are responsible for the parenting investigator's fee.

To **establish or modify** a judgment providing for parenting time (visitation) with a child, the parents shall develop and file with the court a parenting plan to be included in the court's decree.

Guardian ad litem

A guardian ad litem is appointed to advocate the best interests of the child as to legal custody, physical placement, visitation, and support. A guardian ad litem may present a case, cross-examine a witness, deliver a summation, prepare a memorandum of law, file a motion, and file or participate in an appeal on issues involving the best interests of the child. A guardian ad litem **must be** a licensed attorney. A guardian ad litem is not to act as a parenting investigator by preparing a parenting investigation report or giving testimony.

The parties are responsible for the guardian ad litem's fee. If neither party is able to pay the fee, the court may direct the fee to be paid, in whole or in part, by the county where the child resided at the time the action was commenced. The court may direct either or both parties to reimburse the county, in whole or in part, for such payment.

Parenting Investigator/GAL Roster:

<http://www.ndcourts.gov/court/custodyinvestigatorroster/roster.htm>

Parenting Coordinator Roster:

<http://www.ndcourts.gov/court/parentingcoordinator/parentingcoordinatorroster.htm>

Family Mediator

Mediation is **mandatory**, in piloted districts, in any 'civil proceeding' in which parental rights and responsibilities or parenting time is an issue; this includes any original proceeding for divorce, separation, paternity, and guardianship in which these issues are not resolved prior to filing. Within 10 days of filing with the court, the case will be referred by the clerk to the Family Mediation Program Administrator.

Mediators are assigned to a case by the Family Mediation Program Administrator. Mediators are prohibited from discussing or revealing the details of mediation discussions or about any party to any judge, magistrate, or third party. The mediator submits a closing form to the court and the Family Mediation Program Administrator at the close of each case indicating the outcome of mediation.

The first six hours of mediation are paid for by the State. Parties are responsible for any additional mediation time or they may apply to the Family Mediation Program Administrator for additional time based on income.

Contact:
Family Mediation Coordinator at:
701-328-2695