



HOUSE BILL 470: Amend Parenting Coordinator Laws/Family Law.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 25, 2019
Introduced by:	Rep. Stevens	Prepared by:	Amy Darden
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: *House Bill 470 modifies the laws pertaining to parenting coordinators in Article 5 of Chapter 50 of the General Statutes.*

[As introduced, this bill was identical to S490, as introduced by Sen. Britt, which is currently in the Committee on Rules and Operations of the Senate.]

CURRENT LAW: Article 5 of Chapter 50 of the General Statutes provides the standards for use of a parenting coordinator in family law cases where there is parental conflict. The statutes related to parenting coordinators originally became effective in 2005.

BILL ANALYSIS: House Bill 470 modifies provisions applicable to parenting coordinator as follows:

- Adds a definition of the term "party" to include any person granted legal or physical custody rights to a child in a child custody action.
- Allows courts to appoint or reappoint parenting coordinators on or after the entry of a custody order, other than an ex parte order, or upon entry of contempt order involving a custody issues pursuant to 1) all the parties consenting to the appointment and scope of the parenting coordinator's authority; 2) upon a motion of a party requesting the appointment; or 3) upon the court's own motion.
- Clarifies the court does not have to find a substantial change in circumstances to appoint a parenting coordinator.
- Requires the order appointing a parenting coordinator must specify the terms of the appointment.
- Clarifies the authority of a parenting coordinator must be specified in the court order appointing the parenting coordinator and must be limited to matters that will aid the parties in complying with the court's custody order, resolving disputes regarding issues that were not specifically addressed in the custody order, or ambiguous or conflicting terms in the custody order.
- Provides that the parenting coordinator will decide any issues within the scope of their authority and the decision is enforceable as an order of the court.
- Allows any party or attorney for the party to file a motion for the court to review the parenting coordinator's decision. The parties must comply with the parenting coordinator's decision unless the court, after a review hearing, determines that (i) the parenting coordinator's decision is not in the child's best interests or (ii) the decision exceeded the scope of the parenting coordinator's authority. The moving party or the attorney for the moving party shall cause a subpoena to be issued for the parenting coordinator's attendance at the review hearing.
- Clarifies the parenting coordinator will refer financial issues related to the parenting coordinator's decision to the parties or their attorneys.

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Legislative Analysis
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This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

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- Modifies the qualifications for parenting coordinators to disallow degrees in medicine or related areas (must be psychology, law, social work, or counseling) and clarifies a North Carolina license is required in the parenting coordinator's area of practice.
- Clarifies no appointment conference is required if (i) the parenting coordinator's term is later extended, (ii) a subsequent parenting coordinator is appointed in the same matter, or (iii) the parties, their attorneys, and the proposed parenting coordinator consent to a waiver of the appointment conference by signing the proposed appointment order. The court shall not enter an order appointing a parenting coordinator or conduct an appointment conference unless a custody order has already been entered or is being simultaneously entered.
- Provides that, if a dispute arises regarding the payment of fees or the retainer, the parenting coordinator may file a fee report and request a hearing. If a party disputes the parenting coordinator's fees or the allocation of those fees, the party may file a motion with the court requesting that the court review the fees.
- Clarifies meetings and communications between the parenting coordinator and parties, the attorneys for the parties, or any other person with information that assists the parenting coordinator in the coordinator's duties may be informal and ex parte.
- Provides the parenting coordinator may file a report regarding any of the following:
 - The parenting coordinator's belief that the existing custody order is not in the best interests of the child.
 - The parenting coordinator's determination that the parenting coordinator is not qualified to address or resolve certain issues in the case.
 - A party's noncompliance with a decision of the parenting coordinator or the terms of the custody order.
 - The parenting coordinator's fees.
 - The parenting coordinator's request that the parenting coordinator's appointment be modified or terminated.
- Provides if a parenting coordinator alleges a party is not complying with their decision, the terms of a custody order, or not paying the fees the court may issue may issue an order directing a party to appear at a specified reasonable time and show cause why the party shall not be held in contempt.
- Requires an expedited hearing to be granted and to occur within four weeks of the filing of the report unless the parenting coordinator requests a longer length of time or the court has already issued an order directing a party to show cause why the party must not be held in contempt.
- Provides a parenting coordinator may release any records held by the parenting coordinator to the parties or the attorneys for the parties.
- Allows any party to apply to the judge presiding for the issuance of a subpoena to compel production of the parenting coordinator's records.
- Clarifies the court may terminate or modify the parenting coordinator appointment for good cause shown upon motion of any party, upon the agreement of the parties, or by the court on its own motion, or for good cause shown upon request of the parenting coordinator.

EFFECTIVE DATE: This act becomes effective October 1, 2019.

Tawanda Foster, Staff Attorney, substantially contributed to this summary.