

# SENATE BILL No. 418

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-17-6.5.

**Synopsis:** Parenting coordinator qualifications. Allows for the appointment of parenting coordinators to assist in disputes regarding custody and parenting matters. Provides qualification requirements of a parenting coordinator, terms of appointment of a parenting coordinator, and termination of parenting coordinator services. Requires a parenting coordinator to remain impartial and meet confidentiality requirements.

**Effective:** July 1, 2021.

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January 19, 2021, read first time and referred to Committee on Judiciary.

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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## SENATE BILL No. 418

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-17-6.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]:

4 **Chapter 6.5. Parenting Coordinator**

5 **Sec. 1. As used in this chapter, "parenting coordinator" means**  
6 **an impartial individual appointed by a court under this chapter to**  
7 **assist parents, guardians, or custodians in resolving custody and**  
8 **parenting conflicts in the following matters in which a minor child**  
9 **is involved:**

10 (1) **Dissolution of marriage.**

11 (2) **Legal separation.**

12 (3) **Paternity.**

13 (4) **Guardianship.**

14 **Sec. 2. As used in this chapter, "party" or "parties" means**  
15 **parents, guardians, or custodians of a child who demonstrate**  
16 **ongoing high conflict or inability to effectively resolve issues**  
17 **regarding the care of the child, a parenting time schedule, or other**



1 issues that adversely affect the child.

2 **Sec. 3. (a) The primary purpose of a parenting coordinator is to:**

3 (1) assist high conflict parties by assessing and managing  
4 conflicts;

5 (2) redirect the focus of the parties to the needs of the child;  
6 and

7 (3) educate the parties on how to make decisions that are in  
8 the best interests of the child.

9 (b) A parenting coordinator is responsible for providing  
10 recommendations for the resolution of disputes to the parties and  
11 the court if the parties are unable to reach an agreement regarding  
12 the resolution of a dispute that affects the child.

13 **Sec. 4. (a) To register with a court as a parenting coordinator,**  
14 **an individual must:**

15 (1) be:

16 (A) registered as an Indiana domestic relations mediator  
17 under Rule 2.5(B) of the Indiana Supreme Court Rules for  
18 Alternative Dispute Resolution; and

19 (B) an attorney licensed to practice law in Indiana with  
20 substantial experience in family law; or

21 (2) be licensed as a mental health counselor under  
22 IC 25-23.6-8.5 with substantial experience working with high  
23 conflict parties.

24 (b) An individual serving as a parenting coordinator must meet  
25 the requirements of subsection (a) at all times.

26 (c) An individual who does not meet the requirements of  
27 subsection (a) but was appointed by a court to serve as a parenting  
28 coordinator before July 1, 2021, may obtain a temporary waiver  
29 from the requirements issued by the court that appointed the  
30 individual. This subsection expires July 1, 2023.

31 (d) An individual receiving a waiver described in subsection (c)  
32 must comply with the qualification requirements in subsection (a)  
33 by July 1, 2023. This subsection expires July 1, 2023.

34 **Sec. 5. (a) A parenting coordinator shall serve by agreement of**  
35 **the parties or by a formal order of the court, which must clearly**  
36 **and specifically define the scope and limits of the parenting**  
37 **coordinator's responsibilities and authority.**

38 (b) Except as provided in subsection (c), in any action for  
39 dissolution of marriage, legal separation, paternity, or  
40 guardianship in which a parenting time order or custody order,  
41 decree, or judgment has been issued, the court may appoint a  
42 parenting coordinator:



(1) by consent of the parties; or

(2) on the court's own motion if the court finds that the:

(A) appointment of a parenting coordinator would be in the best interests of the child and the parties; and

(B) payment of parenting coordinator fees would not create an undue hardship on either party.

The court may consider whether other funds are available to pay for a parenting coordinator if a party is indigent or of limited income.

(c) The court may not refer parties to a parenting coordinator if a history of domestic violence exists unless, after detailing the parenting coordination process for the parties:

(1) the parties consent; and

(2) the court determines each party's consent is given voluntarily.

(d) The appointment of a parenting coordinator may be made at any stage in a dissolution of marriage, legal separation, paternity, or guardianship proceeding after entry of an order, decree, or judgment regarding parenting time or custody of the child.

Sec. 6. (a) The initial term of appointment of a parenting coordinator must be defined in the order of appointment, but may not exceed sixty (60) days. The initial term of appointment may be extended in sixty (60) day terms:

(1) upon agreement by the parties; or

(2) by the court's own motion as described in section 5(b)(2) of this chapter.

(b) The order of appointment must require that the parenting coordinator meet with each party at least three (3) times during the initial term of appointment.

(c) A written agreement among the parties and parenting coordinator must detail specific issues, including the payment of fees and billing practices of the parenting coordinator. If a written agreement among the parties and parenting coordinator is not reached, the court shall apportion the fees of the parenting coordinator among the parties in the order of appointment, with each party bearing the part of the fees the court determines is just and equitable.

Sec. 7. (a) A written agreement signed by the parties and the parenting coordinator requesting a modification of a court order must be submitted to the court for consideration not later than twenty (20) days of being signed by the parties and parenting



1 coordinator. The court, upon receiving the written agreement, may  
 2 issue a court order with the requested modification or schedule a  
 3 hearing concerning the request.

4 (b) If the parties are not able to resolve a dispute with assistance  
 5 from the parenting coordinator, the parenting coordinator may  
 6 submit written recommendations and written reports to the court  
 7 for further consideration. Recommendations and reports  
 8 submitted to the court by the parenting coordinator must explain  
 9 how the recommended change is expected to benefit the family and  
 10 child. The parenting coordinator shall provide copies of the  
 11 parenting coordinator's recommendations and reports to the  
 12 parties once submitted to the court.

13 (c) Any party may file an objection to the recommendations and  
 14 reports described in subsection (b) not later than ten (10) days  
 15 after the recommendations and reports are filed with the court or  
 16 within another time as the court directs. The party filing the  
 17 objection shall provide copies of the objection to all other parties  
 18 and the parenting coordinator at the time of filing.

19 (d) Any party may file a response to the objection described in  
 20 subsection (c) not later than ten (10) days after the objection is filed  
 21 with the court or within another time as the court directs. The  
 22 party filing the response to the objection shall provide copies of the  
 23 response to the objection to all other parties and the parenting  
 24 coordinator at the time of filing.

25 (e) The court, upon receiving recommendations and reports  
 26 described in subsection (b), may take any of the following actions:

27 (1) If the court determines that the matter is time sensitive,  
 28 approve the recommendations and immediately adopt the  
 29 recommendations as an interim order of the court. If an  
 30 objection to the recommendations is filed, the court shall set  
 31 an expedited hearing to consider the recommendations and  
 32 the arguments of the parties.

33 (2) Reject the recommendations in whole or in part. If an  
 34 objection to the recommendations is filed, the court shall set  
 35 a hearing to consider the recommendations and the  
 36 arguments of the parties.

37 (3) Take no immediate action upon the recommendations and  
 38 set a hearing on the recommendations upon the court's own  
 39 motion or the request by any party.

40 Sec. 8. (a) A parenting coordinator may communicate with the  
 41 parties, their counsels of record, the child or children involved, and  
 42 the court. The parenting coordinator shall adhere to any protection



orders and take any necessary measures to ensure the safety of the parties, the child, and the parenting coordinator.

(b) A parenting coordinator may review documents that are pertinent to the parenting coordination process. The parenting coordinator shall request release from the parties, or an order of the court, when necessary.

(c) A parenting coordinator may not engage in ex parte communications with the court.

(d) A parenting coordinator may not offer legal advice.

(e) A parenting coordinator shall report child abuse or neglect as required by law.

(f) A parenting coordinator shall inform the parties that the parenting coordinator will report to the department of child services and law enforcement any suspected child abuse or neglect and any apparent serious risk of harm to a child, any party, or a third party.

(g) A parenting coordinator shall maintain impartiality, objectivity, and a commitment to assist all parties in service as the parenting coordinator.

(h) A parenting coordinator may not serve in a matter, or in multiple roles in a matter, that creates a conflict of interest. The parenting coordinator shall refrain from associations that benefit the parenting coordinator, directly or indirectly, except from services as a parenting coordinator.

(i) A parenting coordinator shall disclose potential conflicts of interest as soon as the parenting coordinator becomes aware of the potential conflict and shall disclose any action taken to resolve the conflict. The parenting coordinator may continue to serve as the parenting coordinator after the disclosure of a potential conflict of interest is made with the written agreement of the parties unless the conflict of interest clearly impairs the parenting coordinator's impartiality.

Sec. 9. (a) A parenting coordinator shall maintain confidentiality regarding the sharing of information obtained in the role as parenting coordinator outside the scope of the parenting coordination process except as provided by a court order or written agreement by the parties.

(b) Communications between the parties, a child, or other relevant individuals and the parenting coordinator are not confidential for purposes of providing recommendations and reports to the court within the parenting coordination process. The parenting coordinator shall inform the parties of the limitations on



1 confidentiality within the scope of the parenting coordination  
2 process.

3 Sec. 10. (a) The court may modify or terminate the order  
4 appointing the parenting coordinator at any time upon:

- 5 (1) agreement of the parties;
- 6 (2) motion of a party; or
- 7 (3) the court's own motion;

8 after a finding that the assistance of a parenting coordinator is no  
9 longer needed or for other good cause.

10 (b) Good cause under subsection (a) may include a finding by  
11 the court that:

- 12 (1) the parenting coordinator has a conflict of interest;
- 13 (2) a domestic violence issue or other circumstance exists that
- 14 appears to compromise the safety of any individual or the
- 15 integrity of the parenting coordination process;
- 16 (3) the child has reached the age of majority or has been
- 17 emancipated; or
- 18 (4) further involvement by the parenting coordinator would
- 19 be contrary to the best interests of the child.

20 (c) The parenting coordinator may provide notice to the parties  
21 and the court of the parenting coordinator's intent to resign at any  
22 time. The court may approve the resignation and discharge the  
23 parenting coordinator without a hearing unless a party files a  
24 written objection not later than ten (10) days after the notice and  
25 requests a hearing.

