

# PARENTING COORDINATORS AND DOMESTIC RELATIONS DECISION-MAKERS

---

---

## WHO ARE THESE PEOPLE AND HOW DO THEY WORK?

---

---

**Mary A. Wollard, J.D.**

Parenting Coordinator / Decision-Maker / Mediator / Arbitrator / Attorney



710 Kipling Street, Suite 305  
Lakewood, Colorado 80215  
303-455-6300  
mary@cofamilysolutions.com

### What Is A Parenting Coordinator?

After the divorce or separation is over and a parenting plan is in place, sometime parents can not get along well enough to completely put the plan into practice or make adjustments as they're needed over time. Parenting coordinators have been used in family cases for several years to help these parents, but it has only been recently that they have begun to be authorized by state law in several states. Colorado's law authorizing the role of Parenting Coordinator (PC) became effective in June 2005. See [C.R.S. §14-10-128.1](#). The PC is appointed after a court order regarding the child(ren) has been entered. The parties can agree to the use of a PC, or the court may appoint a PC if it finds that the parents have not been able to implement the parenting plan, that mediation has not worked or is not appropriate, and that the appointment of a PC is in the best interests of the child(ren).

Parents will often agree to the appointment of a PC as part of their parenting plan if there is continuing hostility and conflict between them, which they feel will pose on-going problems in implementing the parenting plan they have agreed to.

### What Is The Parenting Coordinator's Function?

The PC's function is to assist the parties in resolving disputes concerning parental responsibilities (what used to be called custody) and parenting time (what used to be called

visitation). Before the PC becomes involved in the case, the parties will have agreed to a parenting plan which the court will have accepted as a court order, or the court will have entered orders regarding a parenting plan. Ongoing conflict between the parents, however, might prevent them from fully and appropriately putting the parenting plan into practice or making adjustments to the plan when circumstances require them. The PC will work with the family to help them identify the sources and causes of conflict between them, identify each party's contribution to the conflict, develop parenting strategies to minimize the conflict, develop guidelines for communication between the parties, and develop guidelines for putting the parenting plan into place. The PC **does not** have any decision-making authority over the parties.

## How Does The Parenting Coordination Process Work?

Just as every family is different, the parenting coordination process will work differently with each family. During the process, the PC's focus is always on the best interests of the child(ren). The PC will use several different methods to help each family resolve their disputes regarding the child(ren), and their care, in ways that foster cooperation between the parents and minimize conflict that can harm the child(ren). Assessment and education about child development, family dynamics and communication are important parts of the parenting coordination process. In some cases, the PC will facilitate negotiations between the parents, will coach the parents on strategies for dealing with the other parent, the child(ren), and new spouses or significant others. The PC might also refer one or both parents and/or the child(ren) to other professionals or resources such as therapists or classes.

Because the PC gathers information and documentation in the course of working with a family, but has no decision-making authority, the parties will often choose to combine the roles of parenting coordinator and decision-maker. This allows the parties to work on resolving the issue at hand, but then allows decisions to be made quickly and relatively inexpensively if the parents are just not able to resolve the issue.

## What Is A Domestic Relations Decision-Maker?

At the same time Colorado adopted the statute authorizing the use of parenting coordinators, it adopted a statute authorizing courts in family law cases to appoint a qualified domestic relations decision-maker (DM), with the written consent of both parties. See [C.R.S. §14-10-128.3](#). The DM, once appointed, is authorized to make binding decisions to resolve disputes regarding the implementation or clarification of existing orders concerning the parties' minor or dependent children, including disputes regarding parenting time, specific parental decisions, and child support.

The DM's decisions must be consistent with the substantive intent of the existing court order. In parenting time cases, this basically means that the DM cannot substantially reduce the parenting time of either party, but can make decisions which would re-align the parenting time in a situation that the order might not have contemplated. In cases of a disputed parental decision, the DM can resolve the dispute, but cannot make decisions which would substantially change the decision-making input of either party.

## How Does The Decision-Making Process Work?

The decision-making process is similar to arbitration, but, under Colorado law, is a completely separate role from arbitrator. The DM is operating under the guidelines of [C.R.S. §14-10-128.3](#) and not the Uniform Arbitration Act. Especially when the DM has been appointed to serve the dual role of parenting coordinator and decision-maker (PC/DM), the decision-making process is less formal than arbitration. When a PC/DM has been appointed, the PC will first help the parents to resolve the issue themselves. If the parents are unable to resolve the issue, the PC will determine when the process should shift from parenting coordination to decision-making and will let the parties know that the process has shifted. Because the PC/DM will already have most, if not all, of the information needed to make the decision for the parties, generally no formal hearing will be held, although each DM establishes his/her own process. Once the process shifts from facilitated negotiations between the parents through the PC to decision-making, either of the parties or the PC/DM can request that the parties submit written statements of position and facts to the PC/DM before s/he makes the decision. In some cases, the PC/DM might also want to get input from others with important information that will assist in making the decision.

If the DM is not also the PC, the process will generally be more formal and will require repetition of most of the information and documents already provided to a different PC or exchanged through attorneys. In these cases, there will likely be a hearing unless the parties and the DM agree that written statements and information will be sufficient to allow the DM to make an informed decision.

## What Kinds Of Decisions Can The Decision-Maker Make?

The decision-maker is not intended to replace the court in making major decisions affecting a person's parental rights. However, it is often not the major issues which take up the majority of the court's time in high conflict parenting cases. For parents who remain hostile and in high conflict after a parenting plan has been agreed to or ordered, making even very small decisions which will clarify or implement the plan can be paralyzing. The anger and distrust is often so high that making even small changes to the plan feels like a major loss to one or both parents. The fact is, however, that children's and parents' needs and schedules change over time and the parenting plan needs to be adjusted accordingly. When high conflict prevents the parties from making minor adjustments to the parenting plan, the DM can make these essential, but relatively minor decisions without the delays imposed by the court's busy schedules. These relatively minor adjustments will not substantially change a parents parenting time or decision-making rights regarding the child(ren). Although this list is by no means exhaustive, some examples of the kinds of decisions a DM might make are:

- whether the pick-up or drop-off time for parenting time should be 5:00 or 6:00;
- how the parents will choose summer vacation weeks;
- how to deal with telephone or email communication between the parties or between a party and the child(ren);

- temporary changes to the parenting time schedule and how or whether make-up parenting time will be handled because of the change;
- changes to the parenting time schedule which do not substantially reduce the amount a parenting time for a parent;
- the parents' presence at the child(ren)'s school or extra-curricular activities.

## What Happens Once A Decision Is Made?

Once the DM makes a decision, s/he will send the written decision to the parties and their attorneys, if any. The decision will also include any agreements the parties have been able to reach through facilitated negotiations in the parenting coordination process. While the DM might give the parties the opportunity to correct typographical errors, misspellings, omissions, miscalculations, s/he will generally only modify the substance of a decision if it is apparent that the substance was based upon erroneous facts. The DM's decision shall be effective and binding upon both parties immediately upon issuance of the draft decision, and shall continue to be in effect and binding, as the decision might be subsequently corrected or modified by the DM, or until an order is entered by the court after a request for a *de novo* hearing. The final version of the decision shall be filed by the DM with the District Court within twenty (20) days after the decision was issued, with a request that the decision be confirmed by the court.

The Decision-Maker statute, [C.R.S. §14-10-128.3](#), gives parties the right to request that the Court modify the decision and hold a *de novo* hearing. A *de novo* hearing is a hearing on the issue as though it were a new matter before the court, without the court's giving the DM's decision any special significance. Any request for a *de novo* hearing must be filed no later than thirty (30) days from the date the final decision is **issued**. Although it might seem as though any party who doesn't like the decision of the DM would automatically request a *de novo* hearing with the court, unhappy parties would be wise to be cautious about making the request. The statute provides that if the court grants the request for a *de novo* hearing and then substantially upholds the decision of the DM, the party requesting the *de novo* hearing shall pay the fees and costs of the other party and the fees and costs of the DM incurred in connection with the request for the *de novo* hearing. Definitely something to keep in mind before asking for a hearing on every decision one doesn't like.

If you feel a parenting coordinator / decision-maker would be helpful in breaking the cycle of conflict in issues regarding your child(ren), please call Family Solutions Center at 303-455-6300 or email Mary Wollard at [mary@cofamilysolutions.com](mailto:mary@cofamilysolutions.com) for a free telephone or email consultation.