

Central Iowa Parenting Coordinators

ROLE	DEFINITION	LEGAL AUTHORITY	WHEN APPROPRIATE	CAUTIONS	WHO
Arbitrator	The settling of a dispute by an arbitrator or arbitrators based upon a written agreement between the parties to submit the issue(s) to arbitration. A written agreement to submit to arbitration an existing controversy is valid, enforceable and irrevocable unless grounds exist at law or in equity for the revocation of the written agreement. Upon application of a party, the district court shall confirm an award, unless grounds are urged for vacating, modifying or correcting an award.	<u>Iowa Code 679A</u>	Similar to when parties would attempt to resolve a dispute via a parenting coordinator, i.e., when a minor dispute exists regarding interpreting the terms or conditions of a Decree or Order and both parties are willing to agree in writing to submit the dispute to binding arbitration with the understanding the decision may be subject to judicial review	Issue(s) submitted to arbitration cannot usurp judicial authority; similar to the cautions associated with the use of a parenting coordinator	Kozlowski Marberry McCollom Rosenbaum Vald
Attorney for child	Attorney appointed to represent a child in a traditional attorney/client relationship. The attorney is obligated to advocate for the child's wishes.	Iowa Code 598.12(1) Little case law, if any, related to an attorney for the child under chapter 598.	When the child is of sufficient age and maturity to articulate and rationalize his or her wishes. Most appropriate when there is a GAL and the child's wishes are diametrically opposed to the GAL's determination of the child's best interest (per case law arising out of chapter 232).	Puts child squarely in the middle of the conflict and the litigation. Creates attorney/client relationship. All communication is confidential. Possible conflict arises when one parent pays for the services of a child's attorney.	Dornburg Kozlowski Marberry McCollom Rosenbaum
Co-parenting counselor	Co-parent counseling is an effective way to assist separated or divorced parents to keep communication about child-related issues respectful and constructive. Each parent gains skills to build a more cooperative co-parenting relationship that is focused on meeting the needs of the child(ren).	Voluntary or Court order	Co-parent therapy can help through the restructure of family resulting from divorce. Co-parent counseling may help one or both parents resolve some of their anger or grief related to the ending of the relationship so that both can focus more fully on parenting issues and the best interest of the child(ren).	Co-parent counseling is not for every separated or divorced parent who cannot resolve issues with their child's other parent. Individuals who cannot tolerate sitting together in a room or who cannot constructively contribute to a dialogue in which issues are identified and resolved may find co-parent counseling frustrating	Gauger Hemesath Wedmore

				and ineffective.	
Custody evaluator	A custody evaluator is responsible for assessing each parent and the entire family unit. The purpose of the evaluation is to assess the strengths and weaknesses of each parent and give recommendations to the court regarding a permanent arrangement for physical care of the children. The primary focus of the evaluation is to determine the best interests of the child/ren.	Primarily court order, but can be done by voluntary agreement of the parties.	When parents are unable to agree or mediate a resolution to the permanent custody arrangements for their child/children.	Cautions – Parents must understand the expenses involved in a full custody study and the requirement that most evaluators will expect the fees for the study to be paid up front.	Gauger
Guardian ad Litem	Attorney appointed to represent the best interests of the child. No obligation to advocate for child's wishes; rather, make an independent investigation and determination as to what is in the child's best interest and advocate for that position.	Iowa Code 598.12(2)	Custody modifications (especially with teenagers); high conflict initial custody matters (especially when parents try to use child as leverage); initial paternity cases when child has little or no relationship with parent OR when child is very young; when parents are very young and may need guidance on a schedule that is age-appropriate; when a child refuses to see a parent; all TPR cases; some adoption cases (not necessarily in step-parent adoptions).	Court order should specify responsibilities. Parents need to be financially able to pay a GAL, as it is unfair to the GAL for the court to assess fees as part of the court costs. No confidentiality re: communications with parents or child. GAL should <i>never</i> testify in a hearing or trial because of the conflict. Issues may arise as to admissibility of GAL's report as hearsay.	Dornburg Kozlowski Marberry McCollow Rosenbaum
Joint physical care evaluator	A professional with training and experience in evaluating families who are seeking joint physical care. Purpose of the evaluation is to determine if the parents have a realistic and workable care plan, have the communication skills necessary to make joint physical care manageable, and to determine whether the parties meet the standards for joint physical care in the state of Iowa.	Request of the court or attorneys	In situations where the court or attorneys are unsure of the feasibility of joint physical care based on the facts of the case. In cases where there is a prior history of concerns (drug abuse, alcoholism, domestic violence, criminal involvement) that would not lend itself to a cooperative effort in raising the children. In cases where the court wants more information regarding the parents' ability to make the commitment to joint physical care.	Some parents are capable of passing an evaluation of this kind by misconstruing facts and history. Some professionals would be unwilling to go against what parents say they desire. Some professionals could have difficulty reporting to the court if there were negative indications that could compromise joint physical care. Some professionals do not have a clear understanding of joint physical care, Iowa guidelines,	Dornburg Gauger Kozlowski Marberry McCollow

				or how to perform an evaluation of this kind.	
Mediator	A mediator is a third party neutral who facilitates a discussion between the parties, most frequently with their lawyers also present. The goal is for the parties to develop a settlement of their matter in a way that works for them.	Iowa Code 598.7 Ordered in 5 th Judicial District family law cases	Mediation is effective in most any case, as it gives the parties a chance to be “heard” and to hear where the other side is coming from.	All communications are confidential. While some mediators offer opinions or suggestions, the mediator does NOT decide the case. The results are determined by the parties and their lawyers. If an agreement is signed at the mediation it is most often enforced by a court.	Dornburg Kozlowski Marberry McCollow Rosenbaum Stamatelos Vald
Mediator (long term)	A long term mediator is a mediator who stays involved with the family on an ongoing basis, making themselves available to mediate problems as they erupt.	Court order or agreement	Many parties elect to have a "mediate before filing" clause in the decree, so the long term mediator is also accessed for situations where filing a lawsuit is contemplated. A long term mediator may work independently with the parties only, or with the lawyers and the parties	Same as above	Dornburg Marberry Stamatelos
Parenting coordinator	A quasi-legal, mental health, alternative dispute resolution process that combines assessment, education, case management, conflict management and sometimes decision-making functions. A child-focused process for facilitating the resolution of disputes in a timely manner, educating parents about children's needs, and with prior approval of the parties and the court, making decisions within the scope of the court order or appointment contract.	Court order	To assist high conflict parents to implement their parenting plan. To monitor compliance with the details of the plan. To resolve conflicts regarding their children and the parenting plan in a timely manner. To protect and sustain safe, healthy and meaningful parent-child relationships. Provided as a contingency when appropriate joint physical care parents need assistance to resolve disputes.	NOT a solution where joint physical care is inappropriately granted to high conflict parents. NOT confidential except as to HIPAA-protected records. DELEGATION of decision-making requires consent of both parents and a court order.	Dornburg Gauger Hemesath Kozlowski Marberry McCollow Rosenbaum Stamatelos Vald Wedmore

<p>Reunification therapist (C&H)</p>	<p>The purpose is an attempt to identify the relationship between the child and the reunifying parent while identifying the stressors which have impacted the relationship. The goals vary however often include communication, trust and addressing residual feelings contributing to the estrangement.</p>	<p>Court order</p>	<p>Consider high conflict or other divorce cases where one parent is not seeing the child. Is only appropriate if the reunification therapist or other appropriate professional is able to assess the estranged parent in order to determine if an attempt at reunification is in the best interest of the child.</p>	<p>Only appropriate AFTER there has been an assessment of the entire family to determine the cause of the child's rejection of the parent. All pertinent records and contact with collateral professionals and governing agencies must be available to the reunification therapist. The Court Order should include the expectations of cooperation by both parents, the Court's concerns and treatment goals and what interventions will be used, parameters for extended family involvement, discretion to the therapist to set arrangements for treatment, payment arrangements for the therapist, and contingencies in the event of re-litigation.</p>	<p>Gauger Wedmore</p>
<p>Special master</p>	<p>Referee, examiner or auditor, with any authority delegated by a judge</p>	<p>Iowa Rules of Civil Procedure, Rule 1.935-1.942</p>	<p>When additional evidence is needed, a report to the court is requested, facts need to be determined on a limited issue, e.g., how to make up lost visitation time, the value of an asset, selling property</p>	<p>Special master is subject to judicial rules; ex parte communications are prohibited</p>	<p>Dornburg Marberry McCollom Rosenbaum Stamatelos</p>