

**Local Rules Governing  
the Appointment of Guardians *ad Litem* (GALs)  
and Parenting Coordinators**

**Purpose and Goals of the Guardian *ad Litem* and Parenting Coordination Programs**

The Guardian *ad Litem* and Parenting Coordination Programs are designed to provide alternative resources for parties involved in a custody dispute. The goal of both programs is to provide reduction of stress and anxiety experienced by children and parties during custody disputes and to help the parties maintain focus on the best interests of the children. Guardians *ad Litem* and Parenting Coordinators assist with communication and recommendations as the parties reorganize the family and continue parenting their children. The Guardian *ad Litem* investigates and makes recommendations for the parties' access to their children, for helping the parties co-parent effectively, and for a parenting plan. The Parenting Coordinator helps parties resolve disputes and works to protect the children from conflict after a Custody Order has been entered. The Local Rules for the Guardians *ad Litem* and Parenting Coordinators were developed to clarify processes and understanding of these programs.

**A. General Rules**

- A.1 If the Local Rules are inconsistent with any current North Carolina General Statute, Statutory authority shall prevail. The purpose of these rules is to provide for the consistent, fair and just appointment and establishment of a Parenting Coordination and Guardian *ad Litem* process for the 15B Judicial District. It is recognized that these Rules are not complete in every detail and will not cover every situation that may arise. In the event these Rules fail to address a specific matter, they should be construed in such a manner as to avoid technical or unnecessary delay and to promote the ends of justice.
- A.2 The information required by N.C. Gen. Stat. § 50A-201 shall be included in a verified pleading (attached AOC form) or attached to all initial pleadings for custody or visitation.
- A.3 The parties to all cases involving issues of child custody or visitation, including motions to modify existing orders, shall participate in mediation prior to a hearing on the issues of child custody or visitation unless the Court waives mediation. For good cause, on the written motion of either party or on the Court's own motion, the Court may waive custody mediation as provided in NCGS § 50-13.1.

- A.4 At the time a pleading involving custody or visitation is filed, the filing party shall obtain from the clerk a date for mediation orientation and provide written notice of the date, time, and place of such mediation orientation to the opposing party(ies). If the filing party seeks a motion to waive custody mediation, he or she shall provide notice of that pleading to the opposing party as required by statute.
- A.5 All parties in domestic cases shall attend a group orientation session. Unless mediation is waived, the parties shall participate in at least one mediation session. The custody mediation program shall operate in accordance with N.C. Gen. Stat. § 50-13.1 and the mandatory Child Custody and Visitation Mediation local rules of Judicial District 15B, which are attached hereto and incorporated herein by reference.
- A.6 The Custody Mediation Office shall notify the Civil District Court clerk of the outcome of all mediation proceedings.
- a. Cases that are resolved through mediation shall have parenting agreements drafted by the mediator and signed by the parties. A copy of the Draft Parenting Agreement shall be provided to each party and a copy shall be sent to each attorney of record. Upon review and acceptance of the agreement by the Court, an Order will be executed adopting the parenting agreement as an enforceable Order of the Court.
- b. Private custody mediation orders shall be prepared by counsel of record or the parties and presented to the Court signed by the parties.
- A.7 Upon waiver or failure to reach an agreement in mediation, parties or their attorneys of record will file a request for a status conference, or a notice to decline a status conference, to be noticed and set for the next civil Calendar Call following the inability to reach a mediated agreement or waiver of mediation. The Court may schedule a status conference upon its own motion.
- A.8 At the status conference, the parties shall be present and the Judge may:
- a. review the issues in the case and determine whether any issues can be resolved before any hearing;
- b. identify other pending cases involving the family;
- c. discuss the need for custody evaluation(s), child abuse evaluation(s), substance abuse evaluation(s), mental health evaluation(s), appointment of a Guardian *ad Litem* (GAL) or Parenting Coordinator, and/or parenting education, as appropriate;
- d. schedule hearings on any unresolved motions or regarding temporary custody;
- e. provide information regarding intervention services;
- f. establish discovery deadlines and set a trial date; and
- g. address any issues regarding any minor child's presence and/or testimony in court.

- A.9 Parties may AT ANY TIME file motions for custody evaluation(s), child abuse evaluation(s), substance abuse evaluation(s), mental health evaluation(s), and/or appointment of a Guardian *ad Litem* (GAL) or Parenting Coordinator, or regarding discovery.
- A.10 For further information and requirements, refer to Judicial District 15B local rules regarding Mandatory Child Custody/Visitation Mediation.
- A.11 Information regarding the Center for Cooperative Parenting is located at [www.centerforcooperativeparenting.org](http://www.centerforcooperativeparenting.org).

**B. Guardian *ad Litem* (GAL)**

**B.1 Definition of a GAL**

A GAL is a court appointed advisor with specialized training and a set of knowledge, who may be appointed by the Court to represent the child's best interest pursuant to: N.C. Gen. Stat. §1A-1, Rule 17(b)(3) of the North Carolina Rules of Civil Procedure; N.C. Gen. Stat. §8C-1, Rule 701 of the North Carolina Rules of Evidence; and the Court's inherent authority to administer justice.

**B.2 Purpose of a GAL**

GALs represent the best interests of minor child(ren) in contested custody and visitation proceedings. The GAL acts as an investigator and facilitator of services in an attempt to resolve conflicts outside of the courtroom and to promote effective co-parenting focused on the best interests of the child(ren). The GAL shall make recommendations to the parties and to the Court regarding any issues affecting the child(ren)'s welfare.

**B.3 Education and Training of a GAL**

A registry of GALs and their qualifications, including training certification, shall be maintained by the District Court. GALs shall be chosen from the list maintained by the District Court. To be included on the list, a GAL must provide documentation of the following:

- a. Education: Masters or Ph.D. degree in psychology, law, social work, counseling, medicine or related degree(s).
- b. Training and experience:
  - 1. no less than five years of related post degree experience;
  - 2. have participated in Judicial District 15B's Civil District GAL training, or other comparable training program, which consists of at least 24 hours of training in topics of developmental stages of children,

- dynamics of high conflict families, stages and effects of divorce, problem solving techniques and legal issues. To demonstrate a “comparable training program,” the candidate shall provide training materials, training agenda, and certificate of completion to the Center for Cooperative Parenting to be reviewed and forwarded to the Chief District Court Judge for approval;
3. participate in an ongoing seminar which will provide continuing education, group discussion, and peer review and support on a no less than quarterly basis. Best practice is to attend peer review on a monthly basis when a GAL has an active case. It is the obligation of the GAL to maintain records of his or her attendance at peer review and to provide the same to the Center for Cooperative Parenting; and
  4. no individual who within the previous 3 years has been a participant in custody litigation may seek approval as a GAL.
- c. One must provide:
    1. a current resume or curriculum vitae;
    2. proof of licensure/certification; and
    3. certificate of completion of GAL training.
  - d. When a GAL has been assigned to an active case, he or she must submit notice of such appointment to the Center for Cooperative Parenting.
  - e. Information regarding the Center for Cooperative Parenting is located at [www.centerforcooperativeparenting.org](http://www.centerforcooperativeparenting.org).

**Non-compliance with any of the requirements of this section will result in removal from the District 15B GAL list.**

- f. To be reinstated after removal:
  1. If the removal was for failure to participate in peer supervision, the applicant will be suspended from the appointment list for a period of one year, during which he/she must attend at least 4 peer supervision meetings, before applying for reinstatement.
  2. If the removal was for any other reason, application for reinstatement must be made to the Chief District Court Judge along with documentation of efforts to address the reason for removal.

**B.4 Appointment of a GAL**

- a. If mediation is waived or does not result in a parenting agreement, the Court shall, in its discretion, appoint a GAL at the status conference, or sooner upon agreement of the parties, if the Court finds that:
  1. the parties’ conflict represents a “high conflict” case in which the child(ren)’s welfare is at risk as a result of the parties’ conflict, or
  2. that it is in the best interest of the child(ren) to appoint a GAL.
- b. Every effort should be made to enter such order upon consent of the parties.
- c. If the parties have agreed upon any evaluation(s) or Parenting Coordinator appointment, or one has been ordered, the appointment of a GAL may be

- pursuant to specific identified responsibilities, in order to prevent overlap or duplication of services
- d. The Court may appoint a GAL without the consent of the parties or upon its own motion. If the Court determines that a GAL should be appointed, the Court shall prepare an Order of Appointment or may direct counsel for the parties to do so.
  - e. The Court shall make the appointment of a GAL contingent upon the parties' payment for services provided by the GAL, which may be allocated between the parties in proportion to the parties' respective incomes, shared equally, or any other proportion the Court determines to be fair and equitable. **The GAL shall not begin his or her duties, or be required to continue their services, until the fee has been paid by both parties and the appointment order has been entered.** The fees may include the cost of consultation with an experienced mental health professional.
  - f. The GAL shall be entitled to reasonable compensation for services rendered and to a reasonable prepayment. Either party or the GAL may request a hearing in the event of a fee dispute.
  - g. Attorneys, self-represented parties, or the Court should make every effort to secure the agreement and availability of the GAL prior to entry of the appointment order.
  - h. Upon entry of the appointment order, the GAL shall be provided:
    1. a copy of the appointment order;
    2. contact information for parties and their attorneys;
    3. copies of any pleadings;
    4. a list of specific issues for investigation; and
    5. notification of any travel that may be necessary for a full investigation.
  - i. The GAL is released from his or her appointment upon presentation of the report to both attorneys and/or self represented party. The GAL may be retained by written agreement or court order for further GAL services.

#### B.5 Scope of GAL Authority

- a. The GAL shall function as a guardian pursuant to N.C. R. Civ. P., G.S. § 1A-1, Rule 17(b)(3), and shall be subject to all applicable rules of court.
- b. The GAL may file a motion requesting appointment of an expert. If such motion is allowed, the expert's fees shall be paid by the parties. The GAL may, at any time and upon proper notice to the parties, request that the Court review the case.

#### B.6 GAL Communications

- a. *Ex Parte* communications:
  1. Communications between the parties and the GAL may be informal and *ex parte*. Said communications are NOT confidential.
  2. Communications between the attorneys and GAL may be *ex parte*.

3. There shall be no *ex parte* communications between the GAL and the Court.
- b. The GAL may contact or meet with a parent individually without the consent of the parent's attorney. The GAL may report to the parents what he/she believes to be in the child(ren)'s best interest and make suggestions to reduce conflict. A GAL may communicate with one attorney without the express consent of the other attorney.
- c. Any communication between the GAL and a court appointed expert appointed pursuant to B.5 of this order must be simultaneously communicated to the parents' attorneys or self-represented parties, including any written information or documents that the child(ren)'s GAL might provide to said expert.
- d. The GAL may, in his or her discretion, communicate with any person or professional involved with the child(ren) or the family, including but not limited to school, medical, dental, or psychological providers, or social service information.
- e. The GAL shall not serve as a Parenting Coordinator.

#### B.7 Recommendations and Written Reports by GAL

- a. Should the GAL determine that he or she is not qualified to address certain issues in the case, he/she shall promptly provide written notification to the Court, parties and attorneys.
- b. The GAL shall submit a written report to the attorneys or self represented parties within 90 days of beginning work (receipt of full payment and entry and receipt of the appointment order), unless good cause is shown for additional time. This report shall be admissible at hearing or trial without authentication or requiring the presence of the GAL. Such admissibility is not a waiver of the right to object to the report in part or total.
- c. If a Parenting Coordinator and/or custody evaluator has been appointed, the GAL shall submit his/her report to the custody evaluator or Parenting Coordinator at the same time as the report is published to attorneys and/or self represented parties.
- d. At various points in the case, the GAL may make recommendations to parents and their attorneys concerning the child(ren)'s best interest, and he/she may inform the Court of their position and recommendations at trial.
- e. Any written report or recommendation should be submitted to the attorneys or self represented parties 2 weeks prior to hearing, if a court date has been calendared.
- f. The GAL shall disclose all sources of information reported.
- g. No report shall be submitted to the Court prior to hearing without the consent of attorneys or self represented parties.

B.8 GAL Testimony

The GAL may testify at trial or deposition by consent. Absent consent of the GAL, a party may subpoena the GAL to appear and testify. The GAL shall require prepayment from the subpoenaing party as a condition of his/her appearance under subpoena.

B.9 Grievances

Any grievances against a GAL shall be submitted to the Chief District Court Judge for consideration. The Chief District Court Judge, in his or her discretion, may consult with the Center for Cooperative Parenting regarding any grievances.

B.10 Child(ren) as Witnesses

The Court ordinarily discourages parents from requiring the minor child(ren) to testify. If testimony is to be elicited from a minor child(ren) at a court proceeding, the GAL may advocate for using an alternative procedure to in court testimony, such as an in chambers interview, closed circuit television, or one-way mirror with an audio connection.

The GAL may request that an in chambers interview be conducted with only the child(ren), the Court, and the GAL present. The Court may exclude parents from the interview, although parents' attorneys have the right to be present. If the parents' attorneys consent to an in chambers interview that excludes attorneys as well as parents, they may submit questions for the Court to ask the child(ren).

B.11 Civil District Guardians *ad Litem* serve at the order of the Court. They are NOT statutorily protected in the State of North Carolina at this time.

**C. Parenting Coordinator (N.C. Gen. Stat. §50-90 et seq.)**

C.1 Parent coordination is a non-adversarial dispute resolution process that is court ordered or agreed on by parties who have an ongoing pattern of high conflict and/or litigation about their children. The underlying principle of parent coordination is a continuous focus on children's best interests by the Parenting Coordinator in working with high-conflict parties in decision-making. Parenting coordination is designed to help parties implement and comply with court orders or parenting plans, to make timely decisions in a manner consistent with children's developmental and psychological needs, to reduce the amount of damage conflict between caretaking adults to which children are exposed, and to diminish the pattern of unnecessary re-litigation about child-related issues.

## C.2 Definition of a Parenting Coordinator

The role of a Parenting Coordinator is to:

- a. assist parents in implementing a Custody/Visitation Order on an ongoing basis;
- b. reduce conflict between parents;
- c. facilitate both parents' relationships with the child(ren);
- d. provide attorneys and any party with written summaries of developments in the case;
- e. act to resolve any minor issues that may or may not be specifically governed by the court order over which the parents reach an impasse, until further orders are entered;
- f. empower the parents to successfully resolve conflicts regarding their child(ren) on their own;
- g. address any other issues set forth in the order of appointment; and
- h. NOT to deal directly with financial issues and will refer financial issues to the attorneys unless the parties and the Parenting Coordinator agree to have the Parenting Coordinator serve as a mediator for the issue.

## C.3 Parenting Coordinators shall be chosen from a list maintained by the District Court. To be included on the list, a Parenting Coordinator must provide documentation of the following:

- a. Education: Masters or Ph.D. degree in psychology, law, social work, counseling, medicine or related degrees and relevant training or experience.
- b. Training and experience:
  1. no less than five years of related post degree experience;
  2. have participated in Judicial District 15B's Civil District Parenting Coordinator training, or other comparable training program, which consists of at least 24 hours of training in topics of developmental stages of children, dynamics of high conflict families, stages and effects of divorce, problem solving techniques and legal issues. To demonstrate a "comparable training program," the candidate shall provide training materials, training agenda, and certificate of completion to the Center for Cooperative Parenting for review and to be forwarded to the Chief District Court Judge for consideration;
  3. participate in an ongoing seminar which will provide continuing education, group discussion, and peer review and support on a no less than quarterly basis. Best practice is to attend peer review on a monthly basis when a Parenting Coordinator has an active case. It is the obligation of the Parenting Coordinator to maintain records of his or her attendance at peer review and to provide the same to the Center for Cooperative Parenting; and
  4. no individual who within the previous 3 years has been a participant in custody litigation may seek approval as a Parenting Coordinator.



- c. One must provide:
  - 1. a current resume or curriculum vitae;
  - 2. proof of licensure/certification; and
  - 3. certificate of completion of Parenting Coordinator training.
- d. When a Parenting Coordinator has been assigned to an active case, he or she must submit notice of such appointment to the Center for Cooperative Parenting.
- e. Information regarding the Center for Cooperative Parenting may be located at [www.centerforcooperativeparenting.org](http://www.centerforcooperativeparenting.org).

**Non-compliance with any of the requirements of this section will result in removal from the District 15B Parenting Coordinator list.**

- f. To be reinstated after removal:
  - 1. If the removal was for failure to participate in peer supervision, the applicant will be suspended from the appointment list for a period of one year, during which he or she must attend at least 4 peer supervision meetings, before applying for reinstatement.
  - 2. If the removal was for any other reason, application for reinstatement must be made to the Chief District Court Judge along with documentation of efforts to address the reason for removal.

- C.4 Upon motion of either party or the Court's own motion, a Parenting Coordinator may be appointed in high conflict cases or by consent of the parties:
  - a. upon the entry of a custody order or parent agreement; or
  - b. after multiple motions have been filed regarding the child(ren) after a custody order has previously been entered.

- C.5 Appointment Process for a Parenting Coordinator (See N.C. Gen. Stat. §50-91(b))
  - a. Upon the entry of a custody order or parenting agreement, the Court may appoint a Parenting Coordinator if the Court finds that:
    - 1. the parties' conflict represents a "high conflict" case in which the child(ren)'s welfare is at risk as a result of the parties' conflict, and
    - 2. that it is in the best interest of the child(ren) to appoint a Parenting Coordinator; and
    - 3. the parties have the ability to pay.
  - b. Every effort should be made to enter such order upon consent of the parties.
  - c. If a Parenting Coordinator is appointed, the Court shall schedule an appointment conference, at which the parties, their attorneys, and the proposed Parenting Coordinator shall be present. The Parenting Coordinator shall provide to the parties all necessary releases, contracts for services, and consents that are to be signed by the parties.
  - d. The appointment conference shall be scheduled no later than the next monthly calendar call. It can be heard on the day of the calendar call with the permission of the Chief District Court Judge or at such other time as the

participants may agree. Notice of the appointment conference shall be in accordance with N.C. R. Civ. P., G.S. § 1A-1, Rule 6.

- e. The Court shall make the appointment of a Parenting Coordinator contingent upon the parties' payment for services provided by the Parenting Coordinator, which may be allocated between the parties in proportion to the parties' respective incomes, shared equally, or any other proportion the Court determines to be fair and equitable. Parenting Coordinators shall not begin their duties or be required to continue their service unless, or until, the fee has been paid pursuant to the appointment order.
- f. If the parties have agreed upon a custody evaluation or Guardian *ad Litem* or one has been ordered, any appointment of the Parenting Coordinator may be pursuant to specific identified responsibilities, if appropriate, in order to prevent overlap or duplication of services.

C.6 At the Appointment Conference the Court shall:

- a. explain the Parenting Coordinator's role, authority, and responsibility;
- b. determine who will provide what information to the Parenting Coordinator;
- c. provide for financial arrangements, establish the proportionate share of the Parenting Coordinator's fee to be paid by each party and authorize the Parenting Coordinator to charge any party separately for individual contacts made necessary by that party's behavior;
- d. inform the participants of the rules regarding communication among themselves and with the Court;
- e. enter an Appointment Order and;
- f. inform the parties that the Court may hold any party in contempt pursuant to N.C. Gen. Stat. § 5A-21 for non-compliance with the Order appointing the Parenting Coordinator.

C.7 Fees: The Parenting Coordinator shall be entitled to reasonable compensation for services rendered and to a reasonable prepayment. Either party or the Parenting Coordinator may request a hearing in the event of a fee dispute.

C.8 Decisions and Duties of the Parenting Coordinator:

- a. Should the Parenting Coordinator act to resolve any disagreement between the parents, the Parenting Coordinator's decision shall prevail until the matter is reviewed by the Court upon motion or request. The Parenting Coordinator, any party or the attorney for any party may file a motion and schedule a hearing on an expedited basis. The motion for review must put the parties on notice of the specific decisions(s) for which review is sought, and the motion must be served on all attorneys and/or parties, as well as the Parenting Coordinator.
- b. A Parenting Coordinator shall be subpoenaed to appear and shall testify only if ordered by the Judge presiding over the case. The parties shall bear the cost of preparation, appearance and testimony of the Parenting Coordinator

in Court in accordance with the division of fees that is set out in the original order appointing the Parenting Coordinator unless the Court orders otherwise.

- c. The Parenting Coordinator shall promptly provide written notification to the Court, parties, and attorneys for the parties and child(ren) and the child(ren)'s GAL, if any, in the event (s)he determines that the existing custody order is not in the best interests of the child(ren) or that the Parenting Coordinator is not qualified to address certain issues raised in the matter. Upon receipt of such notice, the Court will schedule the matter no later than 2 weeks following the receipt of the report.
- d. The Parenting Coordinator has a duty to report abuse and neglect and/or serious safety issues to the County Department of Social Services.

C.9 If the parents agree to any fundamental change in any child custody order, the Parenting Coordinator shall send the agreement to the parties' attorneys for preparation of a Consent Order.

C.10 Communication and Records:

- a. *Ex Parte* Communications:
  - 1. Communications between the parties and the Parenting Coordinators may be informal and *ex parte*. Said communications are NOT confidential, but may be maintained privately by the Parenting Coordinator and shared in the discretion of the Parenting Coordinator, absent subpoena by the Court.
  - 2. Communications between the attorneys and Parenting Coordinators may be *ex parte*.
  - 3. There shall be no *ex parte* communication between the Parenting Coordinator and the Court.
- b. The Parenting Coordinator shall maintain records of each meeting, a written summary of the developments in the case and copies of any other written communications. These records may only be subpoenaed by order of the judge presiding over the case. The Court must review the records in camera and may release the records to the parties and their attorneys only if the court determines release of the information contained in the records will assist the parties with the presentation of their case at trial.

C.11 Grievances:

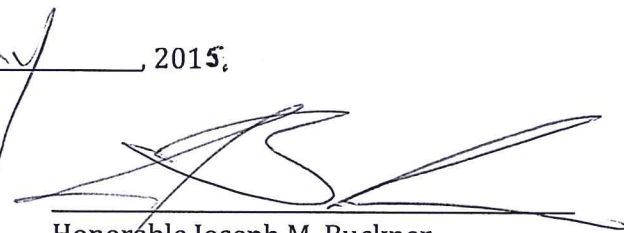
Any grievances against a Parenting Coordinator shall be submitted to the Chief District Court Judge for consideration. The Chief District Court Judge, in his or her discretion, may consult with the Center for Cooperative Parenting regarding any grievances.

C.12 Modification or Termination of Services:

The Court may terminate or modify the Parenting Coordinator appointment for good cause:

- a. upon motion of either party,
- b. at the request of the Parenting Coordinator,
- c. upon the agreement of the parties and the Parenting Coordinator, or
- d. upon the Court on its own motion.

Adopted this 28 day of January, 2015.



Honorable Joseph M. Buckner  
Chief District Court Judge