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March 28, 2023

VIA PRIORITY MAIL
The Honorable Glenn A. Grant
Administrative Director
Administrative Office of the Courts
Attn: Rules Comments
Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625-0037



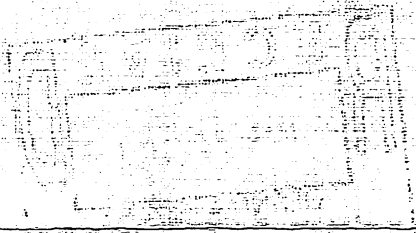
RE: 2021-2023 Report from the Supreme Court Family Practice Committee
Comments on the proposed Parenting Coordination Rule and Guidelines

Dear Judge Grant:

On behalf of the New Jersey chapter of the Association of Family and Conciliation Courts (NJ-AFCC), please accept this letter providing NJ-AFCC's comments on the report of the New Jersey Supreme Court Family Practice Committee (the "Committee") for the 2021-2023 Rules Cycle.

NJ-AFCC has been involved in the effort to develop a Parenting Coordination rule for many years. Some of our members served on the Parenting Coordination Task Force established by the NJSBA Family Law Executive Committee, which submitted a report and proposed rule in 2021. NJ-AFCC is a chapter of AFCC, an international, interdisciplinary association of professionals dedicated to improving the lives of children and families through resolution of family conflict with over 5,000 members representing a dozen disciplines with chapters in 24 countries. For over 50 years, AFCC has been a catalyst both in the U.S. and internationally for major reforms in the area of child custody, child development and parenting concerns. AFCC has provided training and model standards of practice, including custody and parenting plan evaluations, family and divorce mediation, use of social science research in family law and parenting coordination.

NJ-AFCC's members include legal and mental health professionals who over the past twenty years have provided dozens of workshops, seminars and trainings to lawyers, judges and mental health professionals working with families in conflict all with a common focus: fostering the best interests of children. Many of our members have extensive training and experience serving as parenting coordinators in New Jersey, and have long advocated for clear definition of the role, guidelines and limitations regarding the scope of authority of the parenting coordinator, and appropriate qualifications for those who wish to serve as parenting coordinators.



In light of our members' participation with the FLEC Parenting Coordination Task Force, extensive service as parenting coordinators, and their leadership in advocating for uniformity and clarity in parenting coordination, NJ-AFCC is a stakeholder with a vested interest in promulgating uniform standards and qualifications.

We appreciate the efforts of the Committee to consider the promulgation of a rule that will govern appointments of Parenting Coordinators. Our board members have reviewed the Committee's report along with the comments submitted by Derek Freed, Esquire, Chair of the NJSBA Family Law Section. We concur with all of Mr. Freed's comments and proposed amendments. In addition, we offer the following comments, primarily for purposes of clarity and providing consistency between the Order, the Administrative Guidelines and the Sample Order, and we respectfully ask that these be considered in connection with the Committee's recommendation to adopt a rule and administrative guidelines for Parenting Coordination in New Jersey.

1. Paragraph (b)(3)(B) of the administrative guidelines and Paragraph 7 of Attachment 2. We propose that the second sentence be amended as follows: **"The Parenting Coordinator may make recommendations as to the following:"** The Committee's proposed statement that the recommendations are "to facilitate parenting time" limits the issues to addressing time, which is but one of several important aspects of a parenting plan. As the lists of matters set forth at these paragraphs indicate, issues addressed in the Parenting Coordination process involve more than just time and include parenting responsibilities, decision-making, communication and other critical aspects of parenting plans. Thus, we propose eliminating the limited reference to "parenting time."

2. The last sentence of the first paragraph of the proposed Rule 5:8D, and also Paragraph 3 of Attachment 2 (Sample Order) state that the role of the Parenting Coordinator "shall implement the parties' parenting plan..." We propose that these provisions be amended to state that **The role of the Parenting Coordinator is to assist the parties in implementing the parenting plan.** Only the parties can actually implement their plan. The Parenting Coordinator is not, and should not be placed, in a position of actual implementation.

3. Also at paragraph 3 of the order, last sentence: There should be a comma between the term "guardian ad litem" and the word "counselor. Also, the second use of the word "therapist" should be deleted, as this is stated twice.

4. Paragraph 5 of Attachment 2 states that the Parenting Coordinator's non-binding recommendations "shall become binding unless a party objects by filing a timely motion or order to show cause." We propose that this provision state instead: **"The Parenting Coordinator's recommendations [shall be binding upon the parties subject to a judicial review within a specified time period] OR [shall not be binding subject to judicial review on application by either party]."**

This proposed amended language gives the parties and the Court discretion to determine whether the presumption is that the recommendations would be binding or non-binding, on a case by case basis. This is consistent with Mr. Freed's proposed amendment regarding paragraphs (b)(3)(A)(ii) and (b)(3)(A)(iii) as set forth on page 4 of his letter. In this way, the sample order and the proposed amendment to the Administrative Guidelines would be consistent.

5. Paragraph 7(e). To be consistent with Mr. Freed's comment regarding Subparagraph (v) of paragraph (b)(3)(b) of the Administrative Guidelines, we believe the intent is to address how one party can contact the children during the other party's parenting time. We concur with Mr. Freed's comment and propose that 7(e) state "**The schedule and conditions of phone or other contact (e.g., text and email) with the children while they are in the other parent's custody.**"

6. Paragraph 7(f). To be consistent with Mr. Freed's comment regarding subparagraph (vi) of paragraph (b)(3)(b) of the Administrative Guidelines, the phrase "only after the parties have made the initial selection" should be deleted. Issues regarding a child's participation in activities should be raised at the point when the parents are considering and sharing information about options. If this can be addressed only after initial selections have been made, the parties are positioned for a conflict that may have been avoided by working together in making selections. Moreover, if addressing these matters must await both parties having made initial selections, it may be too late to register the child for the activity.

7. Paragraph 3(B) of the Administrative Guidelines and Paragraph 7 of the Sample Order. We propose adding "**Communication between the parties to each other, and to, or in the presence of, the child(ren)**" to the list of matters Parenting Coordinators address, both in the administrative directive and in the sample order. Communication is frequently raised in the Parenting Coordination process, and its importance is reflected at the second paragraph of the proposed Rule 5:8D inclusion of "facilitating communication" and "develop methods of communication to promote cooperation in parenting." As such, we believe this should be specifically listed at Paragraph 3(B) of the Administrative Guidelines and paragraph 7 of the Sample Order.

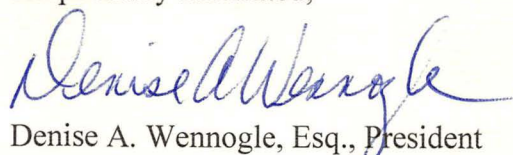
8. Paragraph 9 of Attachment 2. There appears to be a typographical error in the first word of the 11th line, which should be "**established.**"

9. Paragraph 14(a) of Attachment 2. To be consistent with Mr. Freed's comments regarding paragraph (b)(1) of the Administrative Guidelines, we propose deleting the wording that states the victim has the sole option to terminate the Parenting Coordination process, and replacing it with the following: "**The victim may, at their sole option, terminate the Parenting Coordination process...**"

We propose this amendment because, as worded, the provision would appear to deprive the other party of the right to terminate Parenting Coordination in accord with the procedures set forth in the Administrative Guidelines as well as in the Sample Order.

We thank the Court for this opportunity to comment on the Committee's report and attachment regarding Parenting Coordination. Should there be any questions or if anything further is needed from NJ-AFCC, please let me know.

Respectfully submitted,



Denise A. Wennogle, Esq., President