

IN THE THIRTEENTH JUDICIAL DISTRICT FOR THE STATE OF KANSAS
BUTLER, GREENWOOD AND ELK COUNTIES

FILED

JUL 01 2014

LOCAL RULE 15
(Limited Parenting Coordination)

HEATHER L. SMITH
CLERK OF APPELLATE COURTS

When the district court refers a family law matter for limited parenting coordination (LPC) the specific directives and procedures set forth in this Local Rule shall apply.

To provide clarity, consistency and definition to the limited parenting coordination process, the following local rule is promulgated:

- A. Definition of Limited Parenting Coordination: "Limited Parenting Coordination" is a process wherein the court appoints a person meeting the requirements set forth in this Rule to meet with and assist the parents in resolving conflict in a way that is beneficial to the children, and to make appropriate recommendations to the Court. In contrast to other alternative dispute resolution procedures:
1. In limited parenting coordination, the Court only assigns certain specified issues to the parenting coordinator.
 2. In limited parenting coordination, the recommendations of the parenting coordinators do not become the order of the Court except as otherwise stated in this local rule.
 3. In limited parenting coordination, the assignment to limited parenting coordination ends when a written agreement has been approved by the parties, or when the parenting coordinator files recommendations as to the issues specified by the Court. The Court at any time, upon motion of a party, upon written request by the limited parenting coordinator, or on the Court's own motion, may terminate all or part of the assignment.

B. Limited Parenting Coordinators, qualifications. To qualify as an appointed limited parenting coordinator, an individual shall:

1. Be currently qualified as an appointed case manager under the provisions of K.S.A. 23-3508; or
2. Be currently approved as a mediator qualified to mediate child custody or parenting cases under the provisions of Kansas Supreme Court Rule 902; or
3. Have sufficient training, resources and experience to undertake the case as determined by the judge making the appointment of a limited parenting coordinator.

C. Limited Parenting Coordination Order. In each case that Limited Parenting Coordination is ordered by the court, an order shall be promptly prepared in substantial conformity with a form approved by the judges of the district. Such order shall include contact information for each party. The court shall designate a lawyer or party responsible for the prompt preparation and submission of the order and the contemporaneous forwarding of a copy to the designated limited parenting coordinator.

D. Communications involving Limited Parenting Coordinator. Because Limited Parenting Coordination is a non-adversarial process designed to reduce acrimony and settle disputes efficiently, a LPC may engage in *ex parte* (individual) communications with each of the parties and/or their attorneys, unless otherwise specified in writing in the order of appointment. The LPC may initiate or receive *ex parte* oral or written communications with the parties and their attorneys, legal representatives of the children, and other parties relevant to understanding the issues. The LPC should engage in communications in an objective, balanced manner that takes into consideration the

possibility or perception of bias. The LPC should communicate agreements, recommendations, or decisions to all parties and counsel at the same time.

E. Submission of Report by Limited Parenting Coordinator. The limited parenting coordinator shall submit a written report to the Court and mail to counsel of record (and if unrepresented by counsel, to each party proceeding pro se) upon completion of the limited parenting coordination process. Such report shall contain the agreements of the parties and the limited parenting coordinator's recommendations. The limited parenting coordinator shall promptly upon completion of the report submit a "Notice of Submission of Limited Parenting Coordination Report" to the Clerk of the District Court of the county in which the action is pending. Such Notice shall be in a format in substantial conformity to the form in the Appendix of this Rule, and shall set forth the case caption including case number, the date of the limited parenting coordination report, and a certificate of mailing setting forth the persons to whom a copy of such report has been sent. This Notice shall be the only document filed with the Clerk; the limited parenting coordination report itself shall not be filed with the Clerk but rather be sent to the chambers of the judge presiding over the case along with a copy of the Notice of Submission.

F. Motion to review limited parenting coordinator's recommendations:

1. If a disputant party disagrees with a recommendation, and desires court review of such recommendation, such party shall file a motion with the Clerk of the District Court for a review of the limited parenting coordinator's recommendations. Such motion to review shall be filed by no later than 21 days from the date of the filing of the limited case manager's Notice of Submission of Limited Parenting Coordination Report with the Clerk of the

District Court. If a disputant party files a Motion for allowance to file a Motion to Review out of time, the court is empowered to deny such motion in its discretion as a matter of rule enforcement and to then adopt the LPC recommendation as the orders of the court.

2. All Motions to Review shall identify the particular recommendations in the report which are disputed. If no timely motion to review is filed, any objections thereto are deemed waived, and either party may submit an order to the Judge consistent with the procedure set forth below adopting the limited parenting coordination report, specifically setting forth the parties' agreements and/or limited parenting coordinator's recommendations without the inclusion of any introductory matters, statements of rationale, or personal commentary that may be reflected in the report. The Court may also direct one of the attorneys to draft the Order. A party submitting such a proposed Order shall provide a copy of such proposed Order to opposing counsel (or opposing party, if pro se) prior to submission to the Court. Any such proposed order provided to opposing counsel or to a pro se opposing party shall be submitted consistent with the procedures set forth in Supreme Court Rule 170 and the submitting attorney Submission of an Order simply attaching the limited parenting coordinator's report to the Order is expressly disapproved, as limited parenting coordinator's reports often contain statements of rationale and private, personally identifiable information which should not be made part of a public court file.

G. Hearing procedure upon filing of Motion to Review:

1. A disputant party who files a Motion to Review a limited parenting coordinator's recommendations shall contact the office of the judge presiding over the case and obtain a prompt setting for hearing, or in the discretion of the Court, a scheduling conference relating to such review. The Court date obtained shall be reflected in the Motion to Review filed with the Clerk and served upon the other party.
2. At the hearing upon the review the limited parenting coordinator must explain his or her reasons by report or testimony. The Court may rely on the reasons and rationale as stated in the limited parenting coordination report or any subsequent written report provided to Court and counsel. It is mandatory that the disputant party obtain the personal attendance of the limited parenting coordinator at any such hearing by subpoena, or other appropriate means, and such disputant party compelling the parenting coordinator's personal attendance shall pay for any estimated professional fees or appropriate expenses connected with such limited parenting coordinator's appearance in court unless otherwise ordered by the court prior to the hearing. Nothing in this section is intended to limit the Court's discretion to allocate the assessment of costs, fees, and expenses as authorized by K.S.A. 23-2216, K.S.A. 23-2715, or other applicable law.
3. The disagreeing (disputant) party bears the burden of proving the limited parenting coordinator's recommendation to be erroneous or inappropriate, and such burden is not on the parenting coordinator or concurring parties to prove the propriety of the recommendation.

This Local Rule is approved by the district judges of the 13th Judicial District and shall apply to all pending cases wherein limited parenting coordination or limited case management

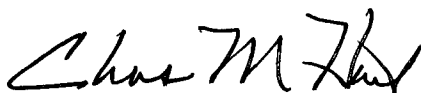
has been ordered or agreed to, and all subsequent cases where limited parenting coordination is ordered or approved by the Court.

Local Rule 14 of the 13th Judicial District is hereby repealed.

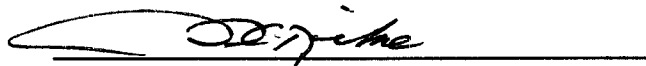
This rule shall be effective upon filing with the Clerk of the Supreme Court pursuant to Kansas Supreme Rule 105.



Jan Satterfield
District Judge
Division One



Charles M. Hart
District Judge
Division Two



David A. Ricke
Chief Judge
Division Three



Mike Ward
District Judge
Division Four

**NOTICE OF SUBMISSION OF
LIMITED PARENTING COORDINATION REPORT**

The undersigned limited parenting coordinator hereby certifies that on the _____ day
of _____, _____, a limited parenting coordination report dated _____
and a copy of this Notice was submitted to the following persons:

Original of report and copy of this Notice to:

Judge _____
Butler County District Court
201 W. Pine
El Dorado, KS 67042

with true and correct copies mailed to:

For Plaintiff/Petitioner:

For Defendant/Respondent:

Original of notice only sent to:

Clerk of the District Court
201 W. Pine
El Dorado, KS 67042

Signed: _____
Limited Parenting Coordinator

Other remarks: _____
