

Short notes on:

Parenting coordinators

Parenting coordination uses a child-centred approach in which a mental health professional or a legal professional both trained in mediation and having experience therein assists high-conflict co-parents in creating parenting plans. This ensures compliance with court orders and resolves pre- and post-divorce parenting disputes privately.

A parenting coordinator appointment is either a court order, a parenting plan or a settlement agreement between the parties.

In *TC v SC* 2018 (4) SA 530 (WCC), the court dealt with parental coordinators' appointment and decision-making powers. The core issue was whether the High Court had power, by its inherent jurisdiction as the upper guardian of minor children, to make an interim order appointing a facilitator to deal with parenting disputes over the objection of one of the parents.

The court concluded the following; a High Court may, in the exercise of its inherent jurisdiction as the upper guardian of the minor children:

Appoint a coordinator with the consent of both parties provided that-

- There is already an agreed-upon parenting plan in existence which has been made an order of court;
- The role of the coordinator is limited to supervising the implementation of and compliance with the court order;
- Any decision-making powers conferred on the coordinator are confined to ancillary rulings, which are necessary to implement the court order but do not alter the substance of the court order;
- All rulings or directives of the coordinator are subject to judicial oversight in the form of an appeal in the broad sense as described in *Tickly & Others v Johannes NO & Others* 1963 (2) SA 588 (T) at 590G-591A, "*complete re-hearing of, and fresh determination of the merits of the matter with or without additional evidence or information*"

Appoint a coordinator without the consent of both parties, provided that the court is satisfied that the conditions above are met in addition to-

- The welfare of the child is at risk from exposure to the chronic parental conflict based on evidence of the parent's inability to co-parent peacefully;
- Mediation has been attempted and has not been successful;
- The proposed coordinator is suitably qualified and experienced;

- The fees charged by the proposed coordinator are reasonable in the given circumstances.

It is clear from the above judgment that the above factors need to be taken into consideration when implementing parenting plans, settlement agreements and where a court orders refers to coordinators. However, one should keep a close eye on the developments herein as the above may change if referred to another court or if the position is appealed.

Contact an attorney at SchoemanLaw for all your family law needs

