

RULE 9-204. EDUCATIONAL SEMINAR

(a) Applicability. This Rule applies in an action in which child support, custody, or visitation is involved and the court determines to send the parties to an educational seminar designed to minimize disruptive effects of separation and divorce on the lives of children.

Cross reference: Code, Family Law Article, § 7-103.2.

(b) Order to Attend Seminar.

(1) Subject to subsection (b)(2) of this Rule and as allowed or required by the county's case management plan required by Rule 16-302 (b), the court may order the parties to attend an educational seminar within the time set forth in the plan. The content of the seminar shall be as prescribed in section (c) of this Rule. If a party who has been ordered to attend a seminar fails to do so, the court may not use its contempt powers to compel attendance or to punish the party for failure to attend, but may consider the failure as a factor in determining custody and visitation.

(2) A party who (A) is incarcerated, (B) lives outside the State in a jurisdiction where a comparable seminar or course is not available, or (C) establishes good cause for exemption may not be ordered to attend the seminar.

Committee note: Code, Family Law Article, § 7-103.2 (c)(2)(v) prohibits exemption based on evidence of domestic violence, child abuse, or neglect.

(c) Content. The seminar shall consist of one or two sessions, totaling six hours. Topics shall include:

- (1) the emotional impact of divorce on children and parents;
- (2) developmental stages of children and the effects of divorce on children at different stages;
- (3) changes in the parent-child relationship;
- (4) discipline;
- (5) transitions between households;
- (6) skill-building in
 - (A) parental communication with children and with each other,
 - (B) explaining divorce to children,
 - (C) problem-solving and decision-making techniques,
 - (D) conflict resolution,
 - (E) coping strategies,
 - (F) helping children adjust to family changes,

(G) avoiding inappropriate interactions with the children, and

(H) developing constructive parenting arrangements; and

(7) resources available in cases of domestic violence, child abuse, and neglect.

(d) Scheduling. The provider of the seminar shall establish scheduling procedures so that parties in actions where domestic violence, child abuse, or neglect is alleged do not attend the seminar at the same time and so that any party who does not wish to attend a seminar at the same time as the opposing party does not have to do so.

(e) Costs. The fee for the seminar shall be set in accordance with Code, Courts Article, § 7-202. Payment may be compelled by order of court and assessed among the parties as the court may direct. For good cause, the court may waive payment of the fee.

Source: This Rule is new.

Credits

[Adopted March 5, 2001, eff. July 1, 2001. Amended June 6, 2016, eff. July 1, 2016.]

Editors' Notes

HISTORICAL NOTES

2016 Orders

The June 6, 2016, order revised an internal reference in the Rule.

Derivation:

Rule 9-204.1, adopted Jan. 13, 1998, eff. July 1, 1998, related to educational seminars, rescinded March 5, 2001, eff. July 1, 2001.

Prior Laws:

Rule 9-204, adopted as Maryland Rule of Procedure S73, Sept. 15, 1961, eff. Jan. 1, 1962, amended June 30, 1973, eff. July 1, 1973; April 6, 1984, eff. July 1, 1984, transferred to Rule 9-204, June 5, 1996, eff. Jan. 1, 1997, amended June 5, 1996, eff. Jan. 1, 1997, related to default of defendant, rescinded March 5, 2001, eff. July 1, 2001.

MD Rules, Rule 9-204, MD R FAM LAW ACT Rule 9-204

RULE 9-205. MEDIATION OF CHILD CUSTODY AND VISITATION DISPUTES

(a) Scope of Rule. This Rule applies to any action or proceeding under this Chapter in which the custody of or visitation with a minor child is an issue, including:

(1) an initial action to determine custody or visitation;

(2) an action to modify an existing order or judgment as to custody or visitation; and

(3) a petition for contempt by reason of non-compliance with an order or judgment governing custody or visitation.

(b) Duty of Court.

(1) Promptly after an action subject to this Rule is at issue, the court shall determine whether:

(A) mediation of the dispute as to custody or visitation is appropriate and likely would be beneficial to the parties or the child; and

(B) a mediator possessing the qualifications set forth in section (c) of this Rule is available to mediate the dispute.

(2) If a party or a child represents to the court in good faith that there is a genuine issue of abuse, as defined in Code, Family Law Article, § 4-501, of the party or child, and that, as a result, mediation would be inappropriate, the court may not order mediation.

(3) If the court concludes that mediation is appropriate and likely to be beneficial to the parties or the child and that a qualified mediator is available, it shall enter an order requiring the parties to mediate the custody or visitation dispute. The order may stay some or all further proceedings in the action pending the mediation on terms and conditions set forth in the order.

Cross reference: With respect to subsection (b)(2) of this Rule, see Rule 1-341 and Rules 19-303.1 and 19-303.3 of the Maryland Attorneys' Rules of Professional Conduct.

(c) Qualifications of Court-Designated Mediator. To be eligible for designation as a mediator by the court, an individual shall:

(1) have the basic qualifications set forth in Rule 17-205 (a);

(2) have completed at least 20 hours of training in a family mediation training program that includes:

(A) Maryland law relating to separation, divorce, annulment, child custody and visitation, and child and spousal support;

(B) the emotional aspects of separation and divorce on adults and children;

(C) an introduction to family systems and child development theory;

(D) the interrelationship of custody, visitation, and child support; and

(E) if the training program is given after January 1, 2013, strategies to (i) identify and respond to power imbalances, intimidation, and the presence and effects of domestic violence, and (ii) safely terminate a mediation when termination is warranted; and

(3) have co-mediated at least eight hours of child access mediation sessions with an individual approved by the county administrative judge, or, in addition to any observations during the training program, have observed at least eight hours of such mediation sessions.

(d) Court Designation of Mediator.

(1) In an order referring a matter to mediation, the court shall:

(A) designate a mediator from a list of qualified mediators approved by the court;

(B) if the court has a unit of court mediators that provides child access mediation services, direct that unit to select a qualified mediator; or

(C) direct an ADR organization, as defined in Rule 17-102, to select a qualified mediator.

(2) If the referral is to a fee-for-service mediation, the order shall specify the hourly rate that the mediator may charge for mediation in the action, which may not exceed the maximum stated in the applicable fee schedule.

(3) A mediator selected pursuant to subsection (d)(1)(B) or (d)(1)(C) of this Rule has the status of a court-designated mediator.

(4) In designating a mediator, the court is not required to choose at random or in any particular order. The court should endeavor to use the services of as many qualified mediators as practicable, but the court may consider, in light of the issues and circumstances presented by the action or the parties, any special training, background, experience, expertise, or temperament of the available prospective designees.

(5) The parties may request to substitute for the court-designated mediator another mediator who has the qualifications set forth in Rule 17-205 (a)(1), (2), (3), and (6) and subsection (c)(2) of this Rule, whether or not the mediator's name is on the court's list, by filing with the court no later than 15 days after service of the order of referral to mediation a Request to Substitute Mediator.

(A) The Request to Substitute Mediator shall be substantially in the following form:

	[Caption of Case]	
	REQUEST TO SUBSTITUTE MEDIATOR AND SELECTION OF MEDIATOR BY STIPULATION	
	We agree to attend mediation proceedings pursuant to Rule 9-205 conducted by _____,	
	(Name, address, and telephone number of mediator)	
	and we have made payment arrangements with the mediator. We request that the court substitute this mediator for the mediator designated by the court.	
	(Signature of Plaintiff)	(Signature of Defendant)
	(Signature of Plaintiff's Attorney, if any)	(Signature of Defendant's Attorney, if any)
	I, _____,	
	(Name of Mediator)	
	agree to conduct mediation proceedings in the above-captioned case in accordance with Rule 9-205 (e), (f), (g), (h), (i) and (j).	
	I solemnly affirm under the penalties of perjury that I have the qualifications prescribed by Rule 9-205 (d)(5).	
	Signature of Mediator	

(B) If the Request to Substitute Mediator is timely filed, the court shall enter an order striking the original designation and substituting the individual selected by the parties to conduct the mediation, unless the court determines after notice and opportunity to be heard that the individual does not have the qualifications prescribed by subsection (d)(5) of this Rule. If no Request to Substitute Mediator is timely filed, the mediator shall be the court-designated mediator.

(C) A mediator selected by stipulation of the parties and substituted by the court pursuant to subsection (d)(5)(B) of this Rule is not subject to the fee schedule provided for in section (j) of this Rule and Rule 17-208 while conducting mediation proceedings pursuant to the stipulation and designation, but shall comply with all other obligations of a court-designated mediator.

Committee note: Nothing in this Rule or the Rules in Title 17 prohibits the parties from selecting any individual, regardless of qualifications, to assist them in the resolution of issues by participating in ADR that is not court-ordered.

(e) Role of Mediator. The role of a mediator designated by the court or agreed upon by the parties is as set forth in Rule 17-103.

(f) Confidentiality. Confidentiality of mediation communications under this Rule is governed by Rule 17-105.

Cross reference: For the definition of “mediation communication,” see Rule 17-102 (h).

Committee note: By the incorporation of Rule 17-105 by reference in this Rule, the intent is that the provisions of the Maryland Mediation Confidentiality Act are inapplicable to mediations under Rule 9-205. See Code, Courts Article, § 3-1802 (b)(1).

(g) Scope of Mediation; Restriction on Fee Increase.

(1) The court's initial order may require the parties to attend a maximum of four hours in not more than two mediation sessions. For good cause and upon the recommendation of the mediator, the court may order up to four additional hours. The parties, by agreement, may extend the mediation beyond the number of hours stated in the initial or any subsequent order.

Committee note: Although the parties, without further order of court, may extend the mediation, an amendment to the time requirements contained in a scheduling order may be made only by order of the court.

Cross reference: See Rule 2-504.

(2) Mediation under this Rule shall be limited to the issues of custody and visitation unless the parties agree otherwise in writing.

(3) During any extension of the mediation pursuant to subsection (g)(1) of this Rule or expansion of the issues that are the subject of the mediation pursuant to subsection (g)(2) of this Rule, the mediator may not increase the mediator's hourly rate for providing services relating to the action.

Cross reference: See Rule 17-208, concerning fee schedules and sanctions for noncompliance with an applicable schedule.

(h) If Agreement. If the parties agree on some or all of the disputed issues, the mediator shall provide copies of any document embodying the points of agreement to the parties and their attorneys for review and signature. If the document is signed by the parties as submitted or as modified by the parties, a copy of the signed document shall be sent to the mediator, who shall submit it to the court.

Committee note: Mediators often will record points of agreement expressed and adopted by the parties to provide documentation of the results of the mediation. Because a mediator who is not a Maryland lawyer is not authorized to practice law in Maryland, and a mediator who is a Maryland lawyer ordinarily would not be authorized to provide legal advice or services to parties in conflict, a mediator should not be authoring agreements regarding matters in litigation for the parties to sign. If the parties are represented by counsel, the mediator should advise them not to sign the document embodying the points of agreement until they have consulted their attorneys. If the parties, whether represented or not, choose to sign the document, a statement should be added that the points of agreement as recorded by the mediator constitute the points of agreement expressed and adopted by the parties.

(i) If No Agreement. If no agreement is reached or the mediator determines that mediation is inappropriate, the mediator shall so advise the court but shall not state the reasons. If the court does not order mediation or the case is returned to the court after mediation without an agreement as to all issues in the case, the court promptly shall schedule the case for hearing on any pendente lite or other appropriate relief not covered by a mediation agreement.

(j) Evaluation Forms. At the conclusion of the mediation, the mediator shall give to the parties any evaluation forms and instructions provided by the court.

(k) Costs

(1) *Fee Schedule.* Fee schedules adopted pursuant to Rule 17-208 shall include maximum fees for mediators designated pursuant to this Rule, and a court-designated mediator appointed under this Rule may not charge or accept a fee for a mediation proceeding conducted pursuant to that designation in excess of that allowed by that schedule.

(2) *Payment of Compensation and Expenses* Payment of the compensation and reasonable expenses of a mediator may be compelled by order of court and assessed among the parties as the court may direct. In the order for mediation, the court may waive payment of the compensation and reasonable expenses.

Source: This Rule is derived in part from the 2012 version of former Rule 9-205 and is in part new.

Credits

[Adopted Nov. 1, 2012, eff. Jan. 1, 2013. Amended June 6, 2016, eff. July 1, 2016.]

Editors' Notes

HISTORICAL NOTES

2001 Orders

The November 1, 2001, order rewrote sections (d) and (f); amended the cross reference following section (f); and added the committee note following section (d). Prior to revision, sections (d) and (f) read:

“(d) If Agreement

“If the parties agree on some or all of the disputed issues, the mediator shall prepare a written memorandum of the points of agreement and send copies of it to the parties and their attorneys for review and signature. If the memorandum is signed by the parties as submitted or as modified by the parties, the mediator shall submit it to the court for whatever action the court deems appropriate.”

“(f) Confidentiality

“Except for a memorandum submitted to the court pursuant to subsec. (d) of this Rule, no statement or writing made in the course of mediation is subject to discovery or admissible in evidence in any proceeding under this Chapter unless the parties and their counsel agree otherwise in writing. Neither the mediator nor an attorney may be called as a witness in such a proceeding to give evidence regarding the mediation or custody or visitation.”

2005 Orders

The February 8, 2005, order amended the cross reference following section (b).

Derivation:

Rule 9-205, adopted as Maryland Rule of Procedure S73A, June 3, 1988, eff. July 1, 1988, amended June 28, 1990, eff. July 1, 1990, transferred to Rule 9-205, June 5, 1996, eff. Jan. 1, 1997, amended June 5, 1996, eff. Jan. 1, 1997; Oct. 5, 1998, eff. Jan. 1, 1999, related to mediation of child custody and visitation disputes, rescinded March 5, 2001, eff. July 1, 2001.

Prior Rules:

Rule 9-205, adopted as Maryland Rule of Procedure S73A, June 2, 1988, eff. July 1, 1988, amended June 28, 1990, eff. July 1, 1990, transferred to Rule 9-205, June 5, 1996, eff. Jan. 1, 1997, amended June 5, 1996, eff. Jan. 1, 1997; Oct. 5, 1998, eff. Jan. 1, 1999, related to mediation of child custody and visitation disputes, rescinded March 5, 2001, eff. July 1, 2001. See this rule.

2012 Orders

The November 1, 2012, order rewrote the rule, which had previously read:

“(a) Scope of Rule. This Rule applies to any case under this Chapter in which the custody of or visitation with a minor child is an issue, including an initial action to determine custody or visitation, an action to modify an existing order or judgment as to custody or visitation, and a petition for contempt by reason of non-compliance with an order or judgment governing custody or visitation.

“(b) Duty of Court. (1) Promptly after an action subject to this Rule is at issue, the court shall determine whether: (A) mediation of the dispute as to custody or visitation is appropriate and would likely be beneficial to the parties or the child; and (B) a properly qualified mediator is available to mediate the dispute. (2) If a party or a child represents to the court in good faith that there is a genuine issue of physical or sexual abuse of the party or child, and that, as a result, mediation would be inappropriate, the court shall not order mediation. (3) If the court concludes that mediation is appropriate and feasible, it shall enter an order requiring the parties to mediate the custody or visitation dispute. The order may stay some or all further proceedings in the action pending the mediation on terms and conditions set forth in the order. Cross reference: With respect to subsection (b)(2) of this Rule, see Rule 1-341 and Rules 3.1 and 3.3 of the Maryland Lawyers' Rules of Professional Conduct.

“(c) Scope of Mediation. (1) The court's initial order may not require the parties to attend more than two mediation sessions. For good cause shown and upon the recommendation of the mediator, the court may order up to two additional mediation sessions. The parties may agree to further mediation. (2) Mediation under this Rule shall be limited to the issues of custody and visitation unless the parties agree otherwise in writing.

“(d) If Agreement. If the parties agree on some or all of the disputed issues, the mediator may assist the parties in making a record of the points of agreement. The mediator shall provide copies of any memorandum of points of agreement to the parties and their attorneys for review and signature. If the memorandum is signed by the parties as submitted or as modified by the parties, a copy of the signed memorandum shall be sent to the mediator, who shall submit it to the court. Committee note: It is permissible for a mediator to make a brief record of points of agreement reached by the parties during the mediation and assist the parties in articulating those points in the form of a written memorandum, so that they are clear and accurately reflect the agreements reached. Mediators should act only as scribes recording the parties' points of agreement, and not as drafters creating legal memoranda.

“(e) If No Agreement. If no agreement is reached or the mediator determines that mediation is inappropriate, the mediator shall so advise the court but shall not state the reasons. If the court does not order mediation or the case is returned to the court after mediation without an agreement as to all issues in the case, the court promptly shall schedule the case for hearing on any pendent lite or other appropriate relief not covered by a mediation agreement.

“(f) Confidentiality. Confidentiality of mediation communications under this Rule is governed by Rule 17-109. Cross reference: For the definition of ‘mediation communication,’ see Rule 17-102 (e).

“(g) Costs. Payment of the compensation, fees, and costs of a mediator may be compelled by order of court and assessed among the parties as the court may direct. In the order for mediation, the court may waive payment of the compensation, fees, and costs. Cross reference: For the qualifications and selection of mediators, see Rule 17-104. Source: This Rule is derived from former Rule S73A.”

2016 Orders

The June 6, 2016, order revised internal references in the Rule.

RULE 9-205.2. PARENTING COORDINATION

(a) Applicability. This Rule applies to the appointment of parenting coordinators by a court and to consent orders approving the employment of parenting coordinators by the parties in actions under this Chapter.

Committee note: Actions in which parenting coordination may be used include an initial action to determine custody or visitation and an action to modify an existing order or judgment as to custody or visitation.

(b) Definitions. In this Rule, the following definitions apply:

(1) *Parenting Coordination.* “Parenting coordination” means a process in which the parties work with a parenting coordinator to reduce the effects or potential effects of conflict on the parties' child. Although parenting coordination may draw upon alternative dispute resolution techniques, parenting coordination is not governed by the Rules in Title 17, except as otherwise provided in this Rule.

(2) *Parenting Coordinator.* “Parenting coordinator” means an impartial provider of parenting coordination services.

(c) Qualifications of Parenting Coordinator.

(1) *Age, Education, and Experience.* To be designated or approved by the court as a parenting coordinator, an individual shall:

(A) be at least 21 years old and hold a bachelor's degree from an accredited college or university;

(B) hold a post-graduate degree in psychology, social work, counseling, negotiation, conflict management, or a related subject area, or from an accredited medical or law school;

(C) have at least three years of related professional experience undertaken after receiving the post-graduate degree; and

(D) hold a current license if required in the individual's area of practice.

(2) *Parenting Coordination Training.* A parenting coordinator also shall have completed:

(A) at least 20 hours of training in a family mediation training program meeting the requirements of Rule 17-106 (b); and

(B) at least 40 hours of accredited specialty training in topics related to parenting coordination, including conflict coaching, developmental stages of children, dynamics of high-conflict families, family violence dynamics, parenting skills, problem-solving techniques, and the stages and effects of divorce.

Committee note: The accredited specialty training requirement may be met by training offered by recognized national organizations such as the American Bar Association or the Association of Family and Conciliation Courts.

(3) *Continuing Education.* Within each calendar year, a parenting coordinator shall complete a minimum of four hours of continuing education approved by the Administrative Office of the Courts in one or more of the topics listed in subsection (c)(2) of this Rule and in recent developments in family law. The Administrative Office shall maintain a list of approved continuing education programs.

(d) Parenting Coordinator Lists. An individual who has the qualifications listed in section (c) of this Rule and seeks court appointment as a parenting coordinator shall submit an application to the family support services coordinator of the circuit court for each county in which the individual seeks appointment. The application shall document that the individual meets the qualifications required in section (c) of this Rule. If satisfied that the applicant meets the qualifications, the family support services coordinator shall place the applicant's name on a list of qualified individuals which, together with the information submitted by each individual on the list, shall be accessible to the public.

(e) Approval of Parenting Coordinator Employed by Parties. In any action in which the custody of or visitation with a child of the parties is or was at issue, the parties, by agreement, may employ a parenting coordinator to assist them in dealing with existing or future conflicts regarding their access to and responsibilities for the child. The parties may jointly request the court to enter a consent order approving the agreement. The court shall enter such an order if it finds that the parenting coordinator has the qualifications set forth in section (c) of this Rule and that the agreement:

- (1) is in writing and signed by the parties and the parenting coordinator;
- (2) states the services to be provided by the parenting coordinator;
- (3) states the extent to which the parenting coordinator may receive confidential or privileged information pertaining to the child or the parties and any limitations on the use of that information by the parenting coordinator;
- (4) states the amount or rate of compensation to be paid to the parenting coordinator, which may exceed the amount or rate provided for in section (k) of this Rule; and
- (5) is otherwise consistent with the best interest of the child.

Committee note: Parties who, by agreement, employ a parenting coordinator on their own initiative are not required to seek court approval. Section (e) of this Rule applies only if they request a court order approving the agreement.

(f) Appointment of Parenting Coordinator by Court. In an action in which the custody of or visitation with a child of the parties is in issue and the court determines that the level of conflict between the parties with respect to that issue so warrants, the court may appoint a parenting coordinator in accordance with this section.

(1) *Appointment During Pendency of Action.* On motion of a party, on joint request of the parties, or on the court's own initiative and after notice and hearing, the court may appoint a parenting coordinator during the pendency of the action. Unless sooner terminated in accordance

with this Rule, the appointment shall terminate upon the entry of a judgment granting or modifying custody or visitation.

(2) *Appointment Upon Entry of Judgment.* Upon entry of a judgment granting or modifying custody or visitation, the court, with the consent of the parties and after a hearing, may appoint a parenting coordinator. The court may appoint the individual who served as a parenting coordinator during the pendency of the action. Unless sooner terminated in accordance with this Rule, the appointment of a post-judgment parenting coordinator shall not exceed two years unless the parties and the parenting coordinator agree in writing to an extension for a specified longer period.

Committee note: Appointment of a parenting coordinator does not affect the applicability of Rules 9-204, 9-205, or 9-205.1, nor does the appointment preclude the use of an alternative dispute resolution process under Title 17 of these Rules.

(3) *Selection.* The court may not appoint an individual as a parenting coordinator unless the individual:

(A) has the qualifications listed in section (c) of this Rule,

(B) is willing to serve as the parenting coordinator in the action, and

(C) agrees not to charge or accept a fee in excess of that allowed in the applicable fee schedule adopted pursuant to subsection (k)(1) of this Rule.

(4) *Contents of Order or Judgment.* An order or judgment appointing a parenting coordinator shall include:

(A) the name, business address, e-mail address, and telephone number of the parenting coordinator;

(B) if there are allegations or findings of domestic violence committed by or against a party or child, any provisions the court deems necessary to address the safety and protection of the parties, all children of the parties, other children residing in the home of a party, and the parenting coordinator; and

Committee note: The order must be consistent with the relevant provisions of any other existing order, such as a “no contact” requirement that is included in a civil protective order or is a condition of pre-trial release in a criminal case.

(C) if the appointment is of a post-judgment parenting coordinator, any decision-making authority of the parenting coordinator authorized pursuant to subsection (g)(9) of this Rule.

(g) Services Permitted. As appropriate, a parenting coordinator may:

(1) if there is no operative custody and visitation order, work with the parties to develop an agreed plan for custody and visitation;

(2) if there is an operative custody and visitation order, assist the parties in amicably resolving disputes about the interpretation of and compliance with the order and in making any joint recommendations to the court for any changes to the order;

(3) educate the parties about making and implementing decisions that are in the best interest of the child;

(4) assist the parties in developing guidelines for appropriate communication between them;

(5) suggest resources to assist the parties;

(6) assist the parties in modifying patterns of behavior and in developing parenting strategies to manage and reduce opportunities for conflict in order to reduce the impact of any conflict upon their child;

(7) in response to a subpoena issued at the request of a party or an attorney for a child of the parties, or upon action of the court pursuant to Rule 2-514 or 5-614, produce documents and testify in the action as a fact witness;

(8) if concerned that a party or child is in imminent physical or emotional danger, communicate with the court or court personnel to request an immediate hearing; and

(9) decide post-judgment disputes by making minor, temporary modifications to child access provisions ordered by the court if (A) the judgment or post-judgment order of the court authorizes such decision making, and (B) the parties have agreed in writing or on the record that the post-judgment parenting coordinator may do so.

Committee note: Examples of such modifications include one-time or minor changes in the time or place for child transfer and one-time or minor deviations from access schedules to accommodate special events or circumstances.

(h) Services Not Permitted. A parenting coordinator may not:

(1) except as permitted by subsections (g)(7) and (8) of this Rule, communicate orally or in writing with the court or any court personnel regarding the substance of the action;

Committee note: This subsection does not prohibit communications with respect to routine administrative matters; collection of fees, including submission of records of the number of contacts with each party and the duration of each contact; or resignation. Nothing in the subsection affects the duty to report child abuse or neglect under any provision of federal or State law or the right of the parenting coordinator to defend against allegations of misconduct or negligence.

(2) testify in the action as an expert witness; or

Cross reference: See Rule 5-702 as to expert witnesses.

(3) except for decision making by a post-judgment parenting coordinator authorized pursuant to subsection (g)(9) of this Rule, make parenting decisions on behalf of the parties.

(i) Confidential Information.

(1) *Access to Case Records.* Except as otherwise provided in this subsection, the parenting coordinator shall have access to all case records in the action. If a document or any information contained in a case record is not open to public inspection under the Rules in Title 16, Chapter 900, the court shall determine whether the parenting coordinator may have access to it and shall specify any conditions to that access.

Cross reference: See Rule 16-902 for the definition of “case record.”

(2) *Other Confidential Information.*

(A) A parenting coordinator may not require or coerce the parties or an attorney for the child to release any confidential information that is not included in the case record.

(B) Confidential or privileged information received by the parenting coordinator from a party or from a third person with the consent of a party may be disclosed by the parenting coordinator to the other party, to an attorney for the child, and in court pursuant to subsections (g)(7) and (8) of this Rule. Unless otherwise required by law, the parenting coordinator may not disclose the information to anyone else without the consent of the party who provided the information or consented to a third person providing it.

(j) Removal or Resignation of Parenting Coordinator.

(1) *Removal.* The court shall remove a parenting coordinator:

(A) on motion of a party or an attorney for the child, if the court finds good cause, or

(B) on a finding that continuation of the appointment is not in the best interest of the child.

(2) *Resignation.* A parenting coordinator may resign at any time by written notice sent by first-class mail to each party and any attorney for the child. The notice shall state the effective date of the resignation and that the parties may request the appointment of another parenting coordinator. The notice shall be sent at least 15 days before the effective date of the resignation. Promptly after mailing the notice, and at least seven days before the effective date of resignation, the parenting coordinator shall file a copy of the notice with the court.

(k) Fees.

(1) *Fee Schedules.* Subject to the approval of the Chief Judge of the Court of Appeals, the county administrative judge of each circuit court may develop and adopt maximum fee schedules for parenting coordinators. In developing the fee schedules, the county administrative judge shall take into account the availability of qualified individuals willing to provide parenting coordination services and the ability of litigants to pay for those services. A parenting coordinator appointed by the court may not charge or accept a fee for parenting coordination services in that action in excess of the fee allowed by the applicable schedule. Violation of this subsection shall be cause for removal from all lists maintained pursuant to section (d) of this Rule, Rule 9-205, and the Rules in Title 17.

(2) *Allocation of Fees and Expenses.* Subject to any agreement entered into by the parties pursuant to section (e) of this Rule, the court shall designate how and by whom the parenting coordinator shall be paid. If the court finds that the parties have the financial means to pay the

fees and expenses of the parenting coordinator, the court shall allocate the fees and expenses of the parenting coordinator between the parties and may enter an order against either or both parties for the reasonable fees and expenses.

Source: This Rule is new.

Credits

[Adopted June 7, 2011, eff. July 1, 2011. Amended June 6, 2016, eff. July 1, 2016; June 20, 2017, eff. Aug. 1, 2017.]

Editors' Notes

HISTORICAL NOTES

2016 Orders

The June 6, 2016, order revised internal references in the Rule.

2017 Orders

The June 20, 2017 order, revised an internal reference.

MD Rules, Rule 9-205.2, MD R FAM LAW ACT Rule 9-205.2

Current with amendments received through August 1, 2019.