

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____,)
)
 Plaintiff,)
)
 vs.)
)
 _____,)
)
 Defendant.)

File No. _____

NOTICE OF MOTION AND MOTION FOR APPOINTMENT OF PARENTING COORDINATOR; BRIEF

TO: ABOVE-NAMED _____, BY AND THROUGH (HIS/HER) ATTORNEY,

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE that on the ____ day of _____, 20____, at ____;__ __.m., or as soon thereafter as counsel may be heard before the Honorable _____, (Referee/Judge) of the above-named Court, at the _____ County Courthouse, _____, in the City of _____, County of _____, and State of North Dakota, _____ will move the Court for an Order Appointment Parenting Coordinator.

MOTION TO APPOINT PARENTING COORDINATOR

COMES NOW THE (PLAINTIFF/DEFENDANT) by and through his/her attorney of record, _____, and moves the court as follows:

1. For an Order finding that both parties can afford the services of a Parenting Coordinator.
2. For an Order Appointment Parenting Coordinator and conferring all authority to the Parenting Coordinator as described in N.D.C.C. Chapter 14-09.2.

3. For an Order requiring each party to pay the fees of the Parenting Coordinator, with Plaintiff being responsible for ___% of the fees and the Defendant being responsible for ___% of the fees.
4. For an Order requiring each party to participate in the process in good faith and with full cooperation with Parenting Coordinator.

Said motion is based upon all of the pleadings and files herein and upon the Affidavit of _____ in support of his/her Motion for Appointment of Parenting Coordinator.

BRIEF

The parties to this action are _____ and _____. The parties have _____ minor children on the marriage namely _____ (refer to children by using initials). The parties to this action were divorced on _____. Pursuant to the divorce decree _____ (provide a brief factual statement regarding residential responsibility and parenting time).

The following facts justify the appointment of a Parenting Coordinator: _____

LAW AND ARGUMENT

North Dakota Century Code §14-09-.2-02 reads as follows:

In any action for divorce, legal separation, paternity, or guardianship in which children are involved, the court, upon its own motion or by motion or agreement of the parties, may appoint a parenting coordinator to assist the parties in resolving issues or disputes related to parenting time. A party, at any time before the appointment of a parenting coordinator, may file a written objection to the appointment on the basis of domestic violence having been committed by another party against the objecting party or a child who is a subject of the action. After the objection is filed, a parenting coordinator may not be appointed unless, on the request of a party, a hearing is held and the court finds that a preponderance of the evidence does not support the objection. If a parenting coordinator is appointed, the court shall order appropriate measures by taken to ensure the physical and emotional safety of the parties and children.

The parties have disputes regarding parenting time which cannot be resolved through direct communication with each other and are in need of assistance. It is within the courts discretion to appoint a Parenting Coordinator.

CONCLUSION

For the reasons stated herein Plaintiff/Defendant respectfully requests that this Court appoint a Parenting Coordinator.

Dated this _____ day of _____, 20____.

Name of Attorney
Address
Telephone Number
ND License #
Attorney for _____