Court responds to concerns about parenting time arrangements

Monday, April 13, 2020

Recognizing growing concerns about parenting time arrangements during the COVID-19 pandemic, the Supreme Court launched a new expedited parenting time mediation program on April 1. The program provides up to two hours of free mediation to assist parties in quickly resolving parenting time issues in an informal and inexpensive manner.

Information about the parenting time mediation program can be found at: https://www.ndcourts.gov/legal-self-help/request-for-expedited-parenting-time-mediation

Thousands of North Dakota residents share time with children under a court ordered schedule. While those schedules normally work well, the pandemic has thrown many families into a state of uncertainty. People are worried about the health and safety of their children and unsure how to reconcile those concerns with the mandates of a court order, guidance from health care professional, and directives from local, state, and federal officials.

In addition, personal situations are shifting rapidly due to school and daycare closures, altered work schedules or loss of work, recommendations for self-isolation and social distancing, and stay-at-home or shelter-in-place orders.

For some families, there are further complications that may include parents residing in different states that are under different sets of restrictions, blended families working with more than one court ordered parenting time schedule, and families where a grandparent, guardian or some other adult has primary residential responsibility.

The court believes that when parents are able to work together they are in the best position to jointly work out an arrangement that will be best for the safety and welfare of the child. However, at the height of emotion it may work best to have a neutral person available who can defuse tension, ask pertinent questions, and point out options that the parties may not have been aware of or considered.

The expedited mediation program is free, voluntary, and designed to be completed within seven days from the date mediation was requested. To qualify for the program, a current North Dakota parenting time order, parenting plan or court-ordered visitation schedule must be in place.

If the parenting time or visitation issue cannot be resolved through mediation, parties are still able to file a motion or request an Order to Show Cause and proceed through the normal court process to resolve the issue or enforce compliance with a court order.

In the first two weeks that the program has been available, there have been 25 requests for expedited mediation. The parties have reached agreement in six cases. The other party declined the invitation to use the mediation process in six cases. Mediation is pending in the remaining 13 cases.

The Court will be monitoring the expedited mediation program closely to gauge both the demand for the program and its success rate as measured by the number of disputes that are settled and whether the parties follow through with their agreement.

The Court has had a Family Mediation Program since 2008 that provides up to 6 hours of mediation, at no cost to the parties, for resolution of parenting responsibility (custody) and parenting time (visitation) issues. On average 50% of cases in the program reach full settlement with another 25% reaching a partial settlement. Throughout the more than 10 years the program has been in effect, the participation satisfaction rate has remained at 86% or higher.