

1 **Rule 53A. Special masters for parenting disputes in domestic relations actions.**

2 (a) **Scope.** This rule applies to domestic relations actions as defined in Rule 26.1.

3 (b) **Definitions.**

4 (1) “Special master” means an attorney or other professional appointed by the court
5 to assist the court in managing parenting disputes that may arise during or after a
6 divorce.

7 (2) “Parenting disputes” means disputes relating to any matter addressed in parenting
8 plans or other related orders of the court including, without limitation, visitation or
9 parent time, co-parenting, and child related expenses.

10 (c) **Time for appointment; Parties’ stipulation.** A court may appoint a special master by
11 order after entry of a court ordered parenting plan, temporary order, or final order in a
12 case. A court may appoint a special master only upon stipulation of the parties. If the
13 parties stipulate to the appointment of a special master, the court may select the special
14 master.

15 (d) **Compensation.** The court will fix the terms of the special master’s compensation,
16 including how compensation will be apportioned between the parties. The court may
17 incorporate by reference the terms of the special master’s fee agreement.

18 (e) **Term and scope of appointment.** The court will specify the length and scope of the
19 special master’s appointment at the time of appointment. The court may modify the term
20 or scope of the appointment for good cause upon its own motion, a motion of a party, or
21 a request by the special master.

22 (f) **Powers and limitations.**

23 (1) **Directives.** The court may authorize the special master to resolve parenting
24 disputes through directives. Directives are effective as orders when made and will
25 continue to be effective unless modified or set aside by the court, the special master,
26 or by written stipulation of the parties.

27 (2) **Sanctions.** A special master may issue sanctions only if specifically authorized by
28 the court in the appointment order. A special master may not make a finding of
29 contempt.

30 (3) **Existing orders.** Except as provided here, the court may not authorize a special
31 master to issue directives that are contrary to or inconsistent with existing orders,
32 judgments, or decrees. The court may authorize a special master to deviate from the
33 parenting plan, but that authorization must be express and narrow in scope.
34 Recognizing the special master's role may involve creating rules, clarifications, or
35 additional requirements for the parties to follow to resolve disputes, the court may
36 not authorize a special master to issue any decisions or modifications of orders that
37 would otherwise require a judicial order.

38 (g) **Delivery and filing of decisions.** A special master must deliver all directives in
39 writing to the parties. A special master must also file all directives with the court.

40 (h) **Objections and court review.**

41 (1) **Objections.** A party may object to a special master's directive by filing a written
42 motion to modify or set aside a special master's directive within 14 days after the date
43 of the special master's directive. A court may consider an untimely motion upon good
44 cause shown.

45 (A) The motion must state succinctly and with particularity the directive
46 challenged, the relief sought, and the grounds for the relief sought. Any evidence
47 necessary to support the moving party's position must be presented by
48 declaration.

49 (B) If the matter is assigned to a domestic commissioner, the requirements in Rule
50 101 relating to motions, responsive memoranda, counter motions, and
51 documentation apply. Otherwise, the requirements in Rule 7 apply.

52 (2) **Court review.** The court will review the special master’s directive de novo. In the
53 event additional evidence is needed, the court may remand the matter to the special
54 master for further proceedings.

55 (i) **Suspension or termination of special master’s appointment.**

56 (1) **Suspension or termination by special master.** A special master may elect to
57 suspend or terminate the special master’s appointment by delivering a notice of
58 suspension or resignation to all parties and filing the notice with the court. A special
59 master may not suspend or terminate the appointment while an issue is pending
60 before the special master.

61 (2) **Termination by the parties.** The parties may terminate the special master’s
62 appointment upon written stipulation filed with the court and served on the special
63 master.

64 (3) **Termination by the court.** The court may suspend or terminate the special
65 master’s appointment on its own initiative or by motion of a party for good cause
66 shown.

67 (4) **No unilateral termination.** Neither party may unilaterally terminate or modify
68 the appointment of a special master by withdrawal of the party’s stipulation to
69 appoint the special master.

70 (j) **Use of special master for other issues.** This rule does not preclude the court from
71 appointing a special master pursuant to Rule 53 for other issues outside of those listed
72 in subparagraph (b)(2).

73 *Effective Date --*