

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Throughout courtrooms nationwide, a fairly recent trend has been the increasing use of therapists as parent coordinators. Binuclear families in high conflict are not receiving the services they require to succeed. Even though these families have professionals such as judges, guardians, custody evaluators, attorneys and mental health providers, it seems that no one of these professional can impact these families in a therapeutic and long-term manner. Historically, judges have referred families to services such as mediation, parent education, and counseling. Unfortunately, the families most in need of ongoing monitoring often fall through the cracks and end up in the revolving door of court appearances.

The types of parents who may require the services of a parenting coordinator include those with allegations of abuse, drug and other substance abuse, blocked access, alienation and other inappropriate or dangerous behaviors. Parent coordinators are typically experienced mental health professionals with additional training and experience who are granted limited authority to intervene in high conflict divorce situations. The coordinator may be assigned pre- or post-divorce. Sometimes they are assigned years after a divorce, when the family has returned once again to court. Parent coordinators, serve in a role similar to that of a guardian ad litem, by primarily working in the child's best interest. However, unlike a guardian who is time-limited, the professional assigned as a parent coordinator is available in the future as needed to assist the family.

The role of the parent coordinator is to educate, mediate, monitor, ensure the court order is enforced and assist the parents in creating a workable parenting plan. After parents have finished working with their assigned parent coordinator, they are encouraged to return in the future as needed to resolve parenting issues. Generally, a parenting plan is completed by the end of the program and the plan helps them to clarify expectations and to close any loop holes in their previous order or settlement agreement. They also agree to return to their parent coordinator for a minimum of two joint sessions before seeking any legal action against their co-parent.¹

The biggest difference a parenting coordinator typically makes is in fostering communication and problem-solving skills between the parents. This, in addition to counseling the parents on the underlying issues that cause the parental conflict, can help the parents to cooperatively parent their children. Studies have shown that parents who can cooperate in the co-parenting process without conflict raise children with fewer emotional problems. If that goal is not possible, than the parenting coordinator

¹ See Boyan, S. What is a Parent Coordinator?, Family Therapy News, American Association of Marriage and Family Therapists, June/July 2002.

teaches parents to interact in front of the children without conflict which is the next best situation for the children.²

The number of states that use parent coordinators are increasing in number including Georgia, Florida, California and Pennsylvania. In Lee and Collier counties in Florida, attorneys and judges have been using parenting coordinators with great success to assist in high-conflict divorces where custody or visitation issues are involved. Members of the bench and the bar have expressed concern related to the lack of statutory authority and standards for the practice.

The bill provides the authority and standards, both for the use of parenting coordinators and the educational and experience requirements for such professionals, as well as guidelines under which their services may be utilized with families.

C. SECTION DIRECTORY:

Section 1. Amends §61.046, Florida Statutes, related to definitions, to add definitions for the terms “parenting coordination” and “shared parenting plan”.

Section 2. Creates §61.125, Florida Statutes, related to court-ordered parenting coordination, which includes provisions that do the following:

- Permits the court, after due notice, to appoint a parenting coordinator if certain specified conditions so warrant, including: if such an appointment is in the best interest of the children involved in the proceedings, if mediation has been unsuccessful or has been determined by the judge to be inappropriate, and if the parties have failed to adequately implement their shared parenting plan.
- Permits the court, with written permission of the parties, to order that the parenting coordinator has the authority to determine specified matters related to the implementation of the parenting plan. Such determination shall be binding on the parties until the court finds otherwise.
- Provides that communications with the parenting coordinator are not confidential unless such confidentiality is determined by the court to be in the best interest of the children.
- Provides for educational and certification requirements and qualifications that must be met by parenting coordinators.
- Provides that parents may be referred to a parenting coordinator that charges a fee only if the parties have the financial ability to pay and provides that payment for parenting coordination services will be made by the parents or from public funds to the extent they are available.
- Prohibits the parenting coordinator from serving as a custody evaluator for the same parties.
- Provides immunity from liability for parenting coordinators under certain specified circumstances.

Section 3. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

² See Ho, V. Parent Coordinators: An effective New Tool in Resolving Parental Conflict in Divorce, Family Law.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may increase court-ordered referrals to parenting coordinators, who would see an increase in clients served.

D. FISCAL COMMENTS:

The bill references the option of parenting coordinators being compensated by the parties or public funds without identifying what those public funds might be, if known.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not affect county or municipal government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES