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A bill to be entitled

An act relating to parenting coordination; amending s. 61.046, F.S.; providing definitions; creating s. 61.125, F.S.; creating the parenting coordination program; authorizing the court to appoint a parenting coordinator in certain proceedings; providing that communications with a parenting coordinator are not confidential except in certain situations; establishing the qualifications for a parenting coordinator; requiring the court to determine a party's financial ability to pay for certain services under certain circumstances; providing for compensation; restricting parenting coordinators from serving in certain cases; providing civil immunity for parenting coordinators acting within the scope of employment; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (14), (15), (16), (17), (18), (19), and (20) of section 61.046, Florida Statutes, are renumbered as subsections (15), (16), (18), (19), (20), (21), and (22), respectively, and new subsections (14) and (17) are added to said section, to read:

61.046 Definitions.--As used in this chapter:

(14) "Parenting coordination" means a process in which a parenting coordinator helps the parties implement their parenting plan by facilitating the resolution of disputes between parents or legal guardians and, with the prior approval of the parties and the court, assisting the parties in the

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30 development of their parenting plan by making decisions within
 31 the scope of the court order of appointment.

32 (17) "Shared parenting plan" means a temporary or final
 33 court order setting out the residence, parental responsibility,
 34 visitation, or other parental responsibility issues in a
 35 dissolution of marriage proceeding or any other civil action
 36 involving custody or parenting of a child or children. This
 37 subsection shall not apply to proceedings under chapter 39.

38 Section 2. Section 61.125, Florida Statutes, is created to
 39 read:

40 61.125 Court-ordered parenting coordination.--

41 (1) After due notice, the court may, on its own motion, a
 42 motion by one of the parties, or an agreement by the parties,
 43 appoint a parenting coordinator if the court finds all of the
 44 following:

45 (a) The parties failed to adequately implement their
 46 shared parenting plan in relation to the child or children who
 47 are the subject or subjects of the proceedings.

48 (b) Mediation has not been successful or has been
 49 determined by the judge to be inappropriate.

50 (c) The appointment of a parenting coordinator is in the
 51 best interest of the child or children involved in the
 52 proceedings.

53 (2) With written consent of the parties, the court may
 54 order that the parenting coordinator has the authority to
 55 determine specific matters related to implementing the shared
 56 parenting plan. This determination shall become binding on the
 57 parties until the court finds otherwise. The coordinator's
 58 determination is subject to de novo review.

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59 (3) Communications with the parenting coordinator are not
 60 confidential, unless the court finds that designation as
 61 confidential of all or part of the communications is in the best
 62 interest of the child or children involved. Such determination
 63 must be agreed upon by both parties and the coordinator.

64 (4) Unless otherwise agreed to by the parties, each person
 65 appointed by the court to serve as a parenting coordinator shall
 66 meet all of the following qualifications:

67 (a) Licensure as a mental health professional pursuant to
 68 chapter 490 or chapter 491, or licensure as a physician pursuant
 69 to chapter 458 with certification by the American Board of
 70 Psychiatry and Neurology.

71 (b) Three years of postlicensure practice.

72 (c) Completion of a Florida Supreme Court certified family
 73 mediation training program.

74 (d) A minimum of 20 hours of parenting coordination
 75 training, including:

- 76 1. Parenting coordination concepts and ethics.
- 77 2. Family dynamics in separation and divorce.
- 78 3. The parenting coordination process.
- 79 4. Parenting coordination techniques.
- 80 5. Family court procedures.

81
 82 Service as a parenting coordinator in four or more cases before
 83 October 1, 2004, may be substituted for the requirements of
 84 paragraphs (a) and (b). Additional qualifications may be
 85 established by the Florida Supreme Court or by the chief judge
 86 in the circuit in which the parenting coordinator provides
 87 services.

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88 (5) Unless otherwise agreed to by the parties, family
89 matters and issues may be referred to a parenting coordinator or
90 parenting coordination program which charges a fee only if the
91 court has determined that the parties have the financial ability
92 to pay such a fee. The determination may be based upon financial
93 affidavits submitted by the parties or other financial
94 information available to the court.

95 (6) A parenting coordinator may be compensated by the
96 parties or by public funds to the extent available.

97 (7) The parenting coordinator may not serve as a child
98 custody evaluator in a proceeding involving one or more parties
99 for whom he or she has provided prior parenting coordination
100 services. The parenting coordinator shall not be permitted to
101 provide a recommendation or opinion on child custody or primary
102 physical residence.

103 (8) No parenting coordinator shall be held liable for
104 civil damages for any act or omission in the scope of the
105 coordinator's employment or function, unless such person acted
106 in bad faith or with malicious purpose, or in a manner
107 exhibiting wanton and willful disregard of the rights, safety,
108 or property of the parties.

109 Section 3. This act shall take effect October 1, 2004.