

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to parenting coordination; amending s.  
7 61.046, F.S.; providing a definition; creating s. 61.125,  
8 F.S.; authorizing the court to appoint a parenting  
9 coordinator in certain proceedings; requiring the  
10 parenting coordinator to serve until discharged by the  
11 court; authorizing the court to order the parenting  
12 coordinator to make determinations related to implementing  
13 the parenting plan; providing that the parenting  
14 coordinator's determination is binding under specified  
15 circumstances; providing that communications with a  
16 parenting coordinator are not confidential except in  
17 certain situations; establishing the qualifications for a  
18 parenting coordinator; requiring the court to determine a  
19 party's financial ability to pay for certain services  
20 under certain circumstances; providing for compensation;  
21 requiring the parenting coordinator to protect the child's  
22 or children's best interest; establishing the duties of a  
23 parenting coordinator; providing prohibitions; providing

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24 civil immunity for parenting coordinators acting within  
 25 the scope of employment; providing a definition; providing  
 26 applicability; providing an effective date.

27  
 28 Be It Enacted by the Legislature of the State of Florida:

29  
 30 Section 1. Subsections (14), (15), (16), (17), (18), (19),  
 31 and (20) of section 61.046, Florida Statutes, are renumbered as  
 32 subsections (15), (16), (17), (18), (19), (20), and (21),  
 33 respectively, and a new subsection (14) is added to said  
 34 section, to read:

35 61.046 Definitions.--As used in this chapter:

36 (14) "Parenting coordination" means a process in which a  
 37 parenting coordinator helps the parties implement their  
 38 parenting plan by facilitating the resolution of disputes  
 39 between parents or legal guardians and, with the prior approval  
 40 of the parties and the court, make decisions within the scope of  
 41 the court order of appointment.

42 Section 2. Section 61.125, Florida Statutes, is created to  
 43 read:

44 61.125 Court-ordered parenting coordination.--

45 (1) After notice to the parties, the court may, on its own  
 46 motion, a motion by one of the parties, or an agreement by the  
 47 parties, appoint a parenting coordinator to perform the duties  
 48 outlined in subsection (9) if the court finds all of the  
 49 following:

50           (a) The parties failed to adequately implement their  
 51 parenting plan in relation to the child or children who are the  
 52 subject or subjects of the proceedings.

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

55           (c) The appointment of a parenting coordinator is in the  
 56 best interest of the child or children involved in the  
 57 proceedings.

58           (2) The parenting coordinator shall serve until discharged  
 59 by the court.

60           (3) With written consent of the parties, the court may  
 61 order that the parenting coordinator has the authority to  
 62 determine specific matters related to implementing the parenting  
 63 plan. Any determination shall be in writing, shall be provided  
 64 to all parties and their attorneys, and shall become binding on  
 65 the parties until a court of competent jurisdiction finds  
 66 otherwise. The parenting coordinator's determination is subject  
 67 to de novo review.

68           (4) Communications with the parenting coordinator are not  
 69 confidential, unless the court finds that designation as  
 70 confidential of all or part of the communications is in the best  
 71 interest of the child or children involved. Such determination  
 72 must be agreed upon by both parties and the parenting  
 73 coordinator.

74           (5) Unless otherwise agreed to by the parties or ordered  
 75 by the court, each person appointed by the court to serve as a  
 76 parenting coordinator shall meet all of the following  
 77 qualifications:

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78 |       (a) Licensure as a mental health professional pursuant to  
 79 | chapter 490 or chapter 491, or licensure as a physician pursuant  
 80 | to chapter 458 with certification by the American Board of  
 81 | Psychiatry and Neurology.

82 |       (b) Three years of postlicensure practice.

83 |       (c) Completion of a Florida Supreme Court certified family  
 84 | mediation training program.

85 |       (d) A minimum of 20 hours of parenting coordination  
 86 | training, including:

87 |           1. Parenting coordination concepts and ethics.

88 |           2. Family dynamics in separation and divorce.

89 |           3. The parenting coordination process.

90 |           4. Parenting coordination techniques.

91 |           5. Family court procedures.

92 |       (6) Unless otherwise agreed to by the parties, referral to  
 93 | a parenting coordinator or parenting coordination program that  
 94 | charges a fee may only be made if the court has determined that  
 95 | the parties have the financial ability to pay such a fee. The  
 96 | determination may be based upon financial affidavits submitted  
 97 | by the parties or other financial information available to the  
 98 | court.

99 |       (7) A parenting coordinator may be compensated by the  
 100 | parties or by public funds to the extent available.

101 |       (8) The parenting coordinator shall assist the parties and  
 102 | the child or children in implementing the court-ordered  
 103 | parenting plan and is generally required to protect the child's  
 104 | or children's best interest. The parenting coordinator is  
 105 | entitled to communicate with the parties, the child or children,

106 health care providers, and any other third parties deemed  
 107 necessary by the parenting coordinator, provided that the  
 108 parties have signed any necessary releases.

109 (9) The duties of a parenting coordinator include:

110 (a) Assisting the parents in implementing the parenting  
 111 plan and in developing structured guidelines for the  
 112 implementation of the plan.

113 (b) Developing guidelines for communication between the  
 114 parents. The parenting coordinator may refer one or both parents  
 115 to appropriate resources for the development of parenting  
 116 skills.

117 (c) Assisting the parents in developing parenting  
 118 strategies in a manner that minimizes conflict.

119 (d) Teaching communication skills and principles of child  
 120 development.

121 (e) Educating both parents about the sources of their  
 122 conflict and its effect on their child or children.

123 (10) The parenting coordinator shall not:

124 (a) Serve as a child custody evaluator in a proceeding  
 125 involving one or more parties for whom he or she has provided  
 126 prior parenting coordination services.

127 (b) Provide a determination, recommendation, or opinion on  
 128 child custody or primary physical residence.

129 (c) Provide a determination on financial matters.

130 (d) Modify the substantive rights of the parties as  
 131 provided in the parenting agreement or other valid court order.

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132        (e) Serve in the role of a therapist. Any issue indicating  
133 the need for therapy shall be referred to the appropriate  
134 professional or resource.

135        (11) A parenting coordinator duly appointed by a court of  
136 competent jurisdiction shall not be held liable for civil  
137 damages for any act or omission in the scope of the parenting  
138 coordinator's statutory duties as enumerated in this section,  
139 unless such person acted in bad faith or with malicious purpose,  
140 or in a manner exhibiting wanton and willful disregard of the  
141 rights, safety, or property of the parties.

142        (12) For the purposes of this section, the term "parenting  
143 plan" means a temporary or final court order setting out the  
144 residence, parental responsibility, visitation, or other  
145 parental responsibility issues in a dissolution of marriage  
146 proceeding or any other civil action involving custody or  
147 parenting of a child or children. This subsection shall not  
148 apply to proceedings under chapter 39.

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