

By Senator Villalobos

38-1773-04

See HB 1207

1 A bill to be entitled
 2 An act relating to parenting coordination;
 3 amending s. 61.046, F.S.; providing
 4 definitions; creating s. 61.125, F.S.; creating
 5 the parenting coordination program; authorizing
 6 the court to appoint a parenting coordinator in
 7 certain proceedings; providing that
 8 communications with a parenting coordinator are
 9 not confidential except in certain situations;
 10 establishing the qualifications for a parenting
 11 coordinator; requiring the court to determine a
 12 party's financial ability to pay for certain
 13 services under certain circumstances; providing
 14 for compensation; restricting parenting
 15 coordinators from serving in certain cases;
 16 providing civil immunity for parenting
 17 coordinators acting within the scope of
 18 employment; providing an effective date.

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

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

27 61.046 Definitions.--As used in this chapter:
 28 (14) "Parenting coordination" means a process in which
 29 a parenting coordinator helps the parties implement their
 30 parenting plan by facilitating the resolution of disputes
 31 between parents or legal guardians and, with the prior

1 approval of the parties and the court, assisting the parties
2 in the development of their parenting plan by making decisions
3 within the scope of the court order of appointment.

4 (17) "Shared parenting plan" means a temporary or
5 final court order setting out the residence, parental
6 responsibility, visitation, or other parental responsibility
7 issues in a dissolution of marriage proceeding or any other
8 civil action involving custody or parenting of a child or
9 children. This subsection shall not apply to proceedings under
10 chapter 39.

11 Section 2. Section 61.125, Florida Statutes, is
12 created to read:

13 61.125 Court-ordered parenting coordination.--

14 (1) After due notice, the court may, on its own
15 motion, a motion by one of the parties, or an agreement by the
16 parties, appoint a parenting coordinator if the court finds
17 all of the following:

18 (a) The parties have failed to adequately implement
19 their shared parenting plan in relation to the child or
20 children who are the subject or subjects of the proceedings.

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

23 (c) The appointment of a parenting coordinator is in
24 the best interest of the child or children involved in the
25 proceedings.

26 (2) With written consent of the parties, the court may
27 order that the parenting coordinator has the authority to
28 determine specific matters related to implementing the shared
29 parenting plan. This determination shall become binding on the
30 parties until the court finds otherwise. The coordinator's
31 determination is subject to de novo review.

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

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

10 (a) Licensure as a mental health professional pursuant
11 to chapter 490 or chapter 491, or licensure as a physician
12 pursuant to chapter 458 with certification by the American
13 Board of Psychiatry and Neurology.

14 (b) Three years of postlicensure practice.

15 (c) Completion of a Florida Supreme Court certified
16 family mediation training program.

17 (d) A minimum of 20 hours of parenting coordination
18 training, including:

19 1. Parenting coordination concepts and ethics.

20 2. Family dynamics in separation and divorce.

21 3. The parenting coordination process.

22 4. Parenting coordination techniques.

23 5. Family court procedures.

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25 Service as a parenting coordinator in four or more cases
26 before October 1, 2004, may be substituted for the
27 requirements of paragraphs (a) and (b). Additional
28 qualifications may be established by the Florida Supreme Court
29 or by the chief judge in the circuit in which the parenting
30 coordinator provides services.

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1 (5) Unless otherwise agreed to by the parties, family
2 matters and issues may be referred to a parenting coordinator
3 or parenting coordination program that charges a fee only if
4 the court has determined that the parties have the financial
5 ability to pay such a fee. The determination may be based upon
6 financial affidavits submitted by the parties or other
7 financial information available to the court.

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

10 (7) The parenting coordinator may not serve as a child
11 custody evaluator in a proceeding involving one or more
12 parties for whom he or she has provided prior parenting
13 coordination services. The parenting coordinator shall not be
14 permitted to provide a recommendation or opinion on child
15 custody or primary physical residence.

16 (8) No parenting coordinator shall be held liable for
17 civil damages for any act or omission in the scope of the
18 coordinator's employment or function, unless such person acted
19 in bad faith or with malicious purpose, or in a manner
20 exhibiting wanton and willful disregard of the rights, safety,
21 or property of the parties.

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