

By the Committee on Children and Families; and Senator Villalobos

300-2314-04

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 and discharge a parenting  
7           coordinator in certain proceedings; providing  
8           that communications with a parenting  
9           coordinator are not confidential except in  
10          certain situations; establishing the  
11          qualifications for a parenting coordinator;  
12          requiring the court to determine a party's  
13          financial ability to pay for certain services  
14          under certain circumstances; specifying powers  
15          and duties of a parenting coordinator;  
16          providing for compensation; restricting  
17          parenting coordinators from serving in certain  
18          cases; providing civil immunity for parenting  
19          coordinators acting within the scope of  
20          employment; providing an effective date.

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

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

29           61.046 Definitions.--As used in this chapter:  
30           (14) "Parenting coordination" means a process in which  
31           a parenting coordinator helps the parties implement their

1 parenting plan by facilitating the resolution of disputes  
2 between parents or legal guardians and, with the prior  
3 approval of the parties and the court, by making decisions  
4 within the scope of the court order of appointment.

5 Section 2. Section 61.125, Florida Statutes, is  
6 created to read:

7 61.125 Court-ordered parenting coordination.--

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

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

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

18 (c) The appointment of a parenting coordinator is in  
19 the best interest of the child or children involved in the  
20 proceedings.

21 (2) The parenting coordinator shall serve until  
22 discharged by the court.

23 (3) With written consent of the parties, the court may  
24 order that the parenting coordinator has the authority to  
25 determine specific matters related to implementing the  
26 parenting plan. Any determination shall be in writing,  
27 provided to all parties and their attorneys; and shall become  
28 binding on the parties until a court of competent jurisdiction  
29 finds otherwise. The coordinator's determination is subject to  
30 de novo review.

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1           (4) 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           (5) 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).

28           (6) Unless otherwise agreed to by the parties,  
29 referral to a parenting coordinator or parenting coordination  
30 program which charges a fee may only be made if the court has  
31 determined that the parties have the financial ability to pay

1 such a fee. The determination may be based upon financial  
2 affidavits submitted by the parties or other financial  
3 information available to the court.

4 (7) A parenting coordinator may be compensated by the  
5 parties or by public funds to the extent available.

6 (8) The parenting coordinator shall assist the parties  
7 and the children in implementing the court-ordered parenting  
8 plan, and is generally required to protect the children's best  
9 interests. The parenting coordinator is entitled to  
10 communicate with the parties, children, health care providers,  
11 and any other third parties deemed necessary by the parenting  
12 coordinator, provided that the parties have signed any  
13 necessary releases.

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

15 (a) Assisting the parents in implementing the  
16 parenting plan and in developing structured guidelines for  
17 implementation of the plan.

18 (b) Developing guidelines for communication between  
19 the parents. The parenting coordinator may refer one or both  
20 parents to appropriate resources for the development of  
21 parenting skills.

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

24 (d) Teaching communication skills and principles of  
25 child development.

26 (e) Educating both parents about the sources of their  
27 conflict and its effect on the children.

28 (10) The parenting coordinator shall not:

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

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

3           (c) Provide a determination on financial matters.

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

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

10           (11) A parenting coordinator duly appointed by the  
11 court shall not be held liable for civil damages for any act  
12 or omission in the scope of the parenting coordinator's  
13 statutory duties as enumerated in this section, unless such  
14 person acted in bad faith or with malicious purpose, or in a  
15 manner exhibiting wanton and willful disregard of the rights,  
16 safety, or property of the parties.

17           (12) For the purposes of this section, the term  
18 "parenting plan" means a temporary or final court order  
19 setting out the residence, parental responsibility, visitation,  
20 or other parental responsibility issues in a dissolution of  
21 marriage proceeding or any other civil action involving  
22 custody or parenting of a child or children. This subsection  
23 shall not apply to proceedings under chapter 39.

24           Section 3. This act shall take effect October 1, 2004.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2640

- Adds the specific duties of the parenting coordinator.
- Distinguishes the functions that the parenting coordinator can perform without the consent of the parties from the functions that require the consent of the parties.
- Changes the term "shared parenting plan" to "parenting plan."
- Shifts the definition of "parenting plan" to the newly created section for parenting coordination.
- Removes reference to additional qualifications for the parenting coordinator that may be established by the Florida Supreme Court or the chief circuit judge.
- Stipulates the basic requirement of the parenting coordinator for protecting the child's best interest.
- Adds acts which the parenting coordinator is prohibited from performing.
- Authorizes the parenting coordinator to communicate with other parties if the appropriate releases have been signed.