

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.

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22 Before appointing a parenting coordinator for the parties, the  
23 court shall consider the effect that any domestic violence  
24 injunction affecting the parties may have on the parties'  
25 ability to engage in parenting coordination.

26 (2) The parenting coordinator shall serve until  
27 discharged by the court.

28 (3) With written consent of the parties, the court may  
29 order that the parenting coordinator has the authority to  
30 determine specific matters related to implementing the  
31 parenting plan. Any determination shall be in writing,

1 provided to all parties and their attorneys; and shall become  
2 binding on the parties until a court of competent jurisdiction  
3 finds otherwise. The coordinator's determination is subject to  
4 de novo review.

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

11 (5) Unless the parties agree to the appointment of a  
12 member of the clergy or a member of The Florida Bar in good  
13 standing offering services on a pro bono basis, each person  
14 appointed by the court to serve as a parenting coordinator  
15 shall meet all of the following qualifications:

16 (a) Licensure as a mental health professional pursuant  
17 to chapter 490 or chapter 491, or licensure as a physician  
18 pursuant to chapter 458 with certification by the American  
19 Board of Psychiatry and Neurology.

20 (b) Three years of postlicensure practice.

21 (c) Completion of a Florida Supreme Court certified  
22 family mediation training program.

23 (d) A minimum of 20 hours of parenting coordination  
24 training, including:

25 1. Parenting coordination concepts and ethics.

26 2. Family dynamics in separation and divorce.

27 3. The parenting coordination process.

28 4. Parenting coordination techniques.

29 5. Family court procedures.

30 6. Domestic violence.

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1 Service as a parenting coordinator in four or more cases  
2 before October 1, 2004, may be substituted for the  
3 requirements of paragraphs (a) and (b).

4 (6) Unless otherwise agreed to by the parties,  
5 referral to a parenting coordinator or parenting coordination  
6 program which charges a fee may only be made if the court has  
7 determined that the parties have the financial ability to pay  
8 such a fee. The determination may be based upon financial  
9 affidavits submitted by the parties or other financial  
10 information available to the court.

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

13 (8) The parenting coordinator shall assist the parties  
14 and the children in implementing the court-ordered parenting  
15 plan, and is generally required to protect the children's best  
16 interests. The parenting coordinator is entitled to  
17 communicate with the parties, children, health care providers,  
18 and any other third parties deemed necessary by the parenting  
19 coordinator, provided that the parties have signed any  
20 necessary releases.

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

22 (a) Assisting the parents in implementing the  
23 parenting plan and in developing structured guidelines for  
24 implementation of the plan.

25 (b) Developing guidelines for communication between  
26 the parents. The parenting coordinator may refer one or both  
27 parents to appropriate resources for the development of  
28 parenting skills.

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

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1           (d) Teaching communication skills and principles of  
2 child development.

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

5           (10) The parenting coordinator shall not:

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

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

11           (c) Provide a determination on financial matters.

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

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

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

25           (12) For the purposes of this section, the term  
26 "parenting plan" means a temporary or final court order  
27 setting out the residence, parental responsibility, visitation,  
28 or other parental responsibility issues in a dissolution of  
29 marriage proceeding or any other civil action involving  
30 custody or parenting of a child or children. This subsection  
31 shall not apply to proceedings under chapter 39.

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