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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.