



644252

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2009	.	
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The Policy and Steering Committee on Ways and Means (Deutch)
recommended the following:

Senate Amendment (with title amendment)

Between lines 95 and 96

insert:

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

61.125 Parenting coordination.—

(1) PURPOSE.—The purpose of parenting coordination is to
provide a child-focused alternative dispute resolution process



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12 whereby a parenting coordinator assists the parents in creating
13 or implementing a parenting plan by facilitating the resolution
14 of disputes between the parents by providing education, making
15 recommendations, and, with the prior approval of the parents and
16 the court, making limited decisions within the scope of the
17 court's order of referral.

18 (2) REFERRAL.—In any action in which a judgment or order
19 has been sought or entered adopting, establishing, or modifying
20 a parenting plan, except for a domestic violence proceeding
21 under chapter 741, and upon agreement of the parties, the
22 court's own motion, or the motion of a party, the court may
23 appoint a parenting coordinator and refer the parties to
24 parenting coordination to assist in the resolution of disputes
25 concerning their parenting plan.

26 (3) DOMESTIC VIOLENCE ISSUES.—

27 (a) If there has been a history of domestic violence, the
28 court may not refer the parties to parenting coordination unless
29 both parents consent. The court shall offer each party an
30 opportunity to consult with an attorney or domestic violence
31 advocate before accepting the party's consent. The court must
32 determine whether each party's consent has been given freely and
33 voluntarily.

34 (b) In determining whether there has been a history of
35 domestic violence, the court shall consider whether a party has
36 committed an act of domestic violence as defined s. 741.28, or
37 child abuse as defined in s. 39.01, against the other party or
38 any member of the other party's family; engaged in a pattern of
39 behaviors that exert power and control over the other party and
40 that may compromise the other party's ability to negotiate a



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41 fair result; or engaged in behavior that leads the other party
42 to have reasonable cause to believe he or she is in imminent
43 danger of becoming a victim of domestic violence. The court
44 shall consider and evaluate all relevant factors, including, but
45 not limited to, the factors listed in s. 741.30(6)(b).

46 (c) If there is a history of domestic violence, the court
47 shall order safeguards to protect the safety of the
48 participants, including, but not limited to, adherence to all
49 provisions of an injunction for protection or conditions of
50 bail, probation, or a sentence arising from criminal
51 proceedings.

52 (4) QUALIFICATIONS OF A PARENTING COORDINATOR.—A parenting
53 coordinator is an impartial third person whose role is to assist
54 the parents in successfully creating or implementing a parenting
55 plan. Unless there is a written agreement between the parties,
56 the court may appoint only a qualified parenting coordinator.

57 (a) To be qualified, a parenting coordinator must:

58 1. Meet one of the following professional requirements:

59 a. Be licensed as a mental health professional under
60 chapter 490 or chapter 491.

61 b. Be licensed as a physician under chapter 458, with
62 certification by the American Board of Psychiatry and Neurology.

63 c. Be certified by the Florida Supreme Court as a family
64 law mediator, with at least a master's degree in a mental health
65 field.

66 d. Be a member in good standing of The Florida Bar.

67 2. Complete all of the following:

68 a. Three years of postlicensure or postcertification
69 practice.



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70 b. A family mediation training program certified by the
71 Florida Supreme Court.

72 c. A minimum of 24 hours of parenting coordination training
73 in parenting coordination concepts and ethics, family systems
74 theory and application, family dynamics in separation and
75 divorce, child and adolescent development, the parenting
76 coordination process, parenting coordination techniques, and
77 Florida family law and procedure, and a minimum of 4 hours of
78 training in domestic violence and child abuse which is related
79 to parenting coordination.

80 (b) The court may require additional qualifications to
81 address issues specific to the parties.

82 (c) A qualified parenting coordinator must be in good
83 standing, or in clear and active status, with his or her
84 respective licensing authority, certification board, or both, as
85 applicable.

86 (5) DISQUALIFICATIONS OF PARENTING COORDINATOR.—

87 (a) The court may not appoint a person to serve as
88 parenting coordinator who, in any jurisdiction:

89 1. Has been convicted or had adjudication withheld on a
90 charge of child abuse, child neglect, domestic violence,
91 parental kidnapping, or interference with custody;

92 2. Has been found by a court in a child protection hearing
93 to have abused, neglected, or abandoned a child;

94 3. Has consented to an adjudication or a withholding of
95 adjudication on a petition for dependency; or

96 4. Is or has been a respondent in a final order or
97 injunction of protection against domestic violence.

98 (b) A parenting coordinator must discontinue service as a



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99 parenting coordinator and immediately report to the court and
100 the parties if any of the disqualifying circumstances described
101 in paragraph (a) occur, or if he or she no longer meets the
102 minimum qualifications in subsection (4), and the court may
103 appoint another parenting coordinator.

104 (6) FEES FOR PARENTING COORDINATION.—The court shall
105 determine the allocation of fees and costs for parenting
106 coordination between the parties. The court may not order the
107 parties to parenting coordination without their consent unless
108 it determines that the parties have the financial ability to pay
109 the parenting coordination fees and costs.

110 (a) In determining if a nonindigent party has the financial
111 ability to pay the parenting coordination fees and costs, the
112 court shall consider the party's financial circumstances,
113 including income, assets, liabilities, financial obligations,
114 resources, and whether paying the fees and costs would create a
115 substantial hardship.

116 (b) If a party is found to be indigent based upon the
117 factors in s. 57.082, the court may not order the party to
118 parenting coordination unless public funds are available to pay
119 the indigent party's allocated portion of the fees and costs or
120 the nonindigent party consents to paying all of the fees and
121 costs.

122 (7) CONFIDENTIALITY.—Except as otherwise provided in this
123 section, all communications made by, between, or among the
124 parties and the parenting coordinator during parenting
125 coordination sessions are confidential. The parenting
126 coordinator and each party designated in the order appointing
127 the coordinator may not testify or offer evidence about



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128 communications made by, between, or among the parties and the
129 parenting coordinator during parenting coordination sessions,
130 except if:

131 (a) Necessary to identify, authenticate, confirm, or deny a
132 written agreement entered into by the parties during parenting
133 coordination;

134 (b) The testimony or evidence is necessary to identify an
135 issue for resolution by the court without otherwise disclosing
136 communications made by any party or the parenting coordinator;

137 (c) The testimony or evidence is limited to the subject of
138 a party's compliance with the order of referral to parenting
139 coordination, orders for psychological evaluation, counseling
140 ordered by the court or recommended by a health care provider,
141 or for substance abuse testing or treatment;

142 (d) The parenting coordinator reports that the case is no
143 longer appropriate for parenting coordination;

144 (e) The parenting coordinator is reporting that he or she
145 is unable or unwilling to continue to serve and that a successor
146 parenting coordinator should be appointed;

147 (f) The testimony or evidence is necessary pursuant to
148 paragraph (5)(b) or subsection (8);

149 (g) The parenting coordinator is not qualified to address
150 or resolve certain issues in the case and a more qualified
151 coordinator should be appointed;

152 (h) The parties agree that the testimony or evidence be
153 permitted; or

154 (i) The testimony or evidence is necessary to protect any
155 person from future acts that would constitute domestic violence
156 under chapter 741; child abuse, neglect, or abandonment under



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157 chapter 39; or abuse, neglect, or exploitation of an elderly or
158 disabled adult under chapter 825.

159 (8) REPORT OF EMERGENCY TO COURT.—

160 (a) A parenting coordinator must immediately inform the
161 court by affidavit or verified report without notice to the
162 parties of an emergency situation if:

163 1. There is a reasonable cause to suspect that a child will
164 suffer or is suffering abuse, neglect, or abandonment as
165 provided under chapter 39;

166 2. There is a reasonable cause to suspect a vulnerable
167 adult has been or is being abused, neglected, or exploited as
168 provided under chapter 415;

169 3. A party, or someone acting on a party's behalf, is
170 expected to wrongfully remove or is wrongfully removing the
171 child from the jurisdiction of the court without prior court
172 approval or compliance with the requirements of s. 61.13001. If
173 the parenting coordinator suspects that the parent has relocated
174 within the state to avoid domestic violence, the coordinator may
175 not disclose the location of the parent and child unless
176 required by court order.

177 (b) Upon such information and belief, a parenting
178 coordinator shall immediately inform the court by affidavit or
179 verified report and serve a copy on each party of an emergency
180 in which a party obtains a final order or injunction of
181 protection against domestic violence or is arrested for an act
182 of domestic violence as provided under chapter 741.

183 (9) LIMITATION ON LIABILITY.—A parenting coordinator
184 appointed by the court is not liable for civil damages for any
185 act or omission in the scope of his or her duties pursuant to an



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186 order of referral unless such person acted in bad faith or with
187 malicious purpose or in a manner exhibiting wanton and willful
188 disregard for the rights, safety, or property of the parties.
189

190 ===== T I T L E A M E N D M E N T =====

191 And the title is amended as follows:

192 Delete line 5

193 and insert:

194 recommendations," and "time-sharing schedule";
195 creating s. 61.125, F.S.; providing for parenting
196 coordination as an alternative dispute resolution
197 process to resolve parenting plan disputes; providing
198 for court referral; providing for domestic violence
199 situations; providing the qualifications required for
200 a parenting coordinator and for the disqualification
201 of a coordinator; providing for the payment of
202 parenting coordination fees and costs; providing for
203 confidentiality; providing for emergency reporting to
204 the court by the coordinator; providing a limitation
205 on the coordinator's liability;