

## **FINAL REPORT OF THE FLAFCC PARENTING COORDINATION TASK FORCE**

**(Approved by the Board of Directors of FLAFCC on October 30, 2007 for dissemination to the public and through posting on the FLAFCC Website)**

### **PROPOSED ETHICAL GUIDELINES FOR PARENTING COORDINATORS IN FLORIDA**

#### **INTRODUCTION AND APPLICABILITY**

The following document, "Ethical Guidelines for Parenting Coordinators in Florida," hereinafter "Ethical Guidelines," was drafted over a period of two years by a Parenting Coordination Task Force established by the Florida Chapter of the Association of Family and Conciliation Courts (FLAFCC). The "Ethical Guidelines" were approved by the Board of Directors of FLAFCC for publication and consideration by the courts, the bar, and parenting coordinators. Until they are adopted by an organization with the ability to monitor and enforce them, the "Ethical Guidelines" serve as aspirational goals for parenting coordinators. Although the "Ethical Guidelines" are not themselves enforceable rules, they should be considered by parenting coordinators in arriving at an ethical course of action. Also, when adopted by the court, the "Ethical Guidelines" may serve as a basis for reviewing and evaluating a complaint against a court appointed parenting coordinator. However, these "Ethical Guidelines" do not abrogate other professional standards and regulations that parenting coordinators are professionally bound to follow.

"Ethical Guidelines for Parenting Coordinators in Florida" consists of two sections: Ethical Principles and Ethical Standards of Professional Conduct. The Ethical Principles are general statements of conduct which apply to parenting coordination. The Ethical Standards of Conduct are directed to specific conduct that is expected of parenting coordinators.

#### **ETHICAL PRINCIPLES**

This section consists of five general Ethical Principles. These Ethical Principles do not represent obligations and do not create a presumption of misconduct for nonconformity.

##### **Principle A: Responsibility**

Parenting coordinators strive to benefit and do no harm to those they serve. In their professional actions, parenting coordinators seek to preserve the safety, welfare and rights of those with whom they interact professionally as well as other affected persons. If parenting coordinators have conflicts with the requirements of these guidelines, other professional obligations, or with other professionals, they attempt to resolve them in a way that preserves the integrity of the parenting coordination process. Because the actions and professional judgments of parenting coordinators may affect the lives of others, they are alert to and guard against personal, financial,

social, organizational, or other factors that might compromise the parenting coordination process or lead to the misuse of their influence.

**Principle B: Fidelity**

Parenting coordinators establish relationships of trust and respect with those involved in the parenting coordination process. Parenting coordinators behave professionally, clarify their professional roles and obligations and accept responsibility for their behavior. Parenting coordinators inform participants that parenting coordination is distinct and separate from other methods of resolving disputes, which include mediation, arbitration, collaborative law, litigation, custody evaluation, and mental health counseling and consultation.

**Principle C: Integrity**

Parenting coordinators promote accuracy, honesty, and truthfulness in the practice and teaching of parenting coordination. Parenting coordinators do not engage in fraud, subterfuge, dishonest behavior or intentional misrepresentation of fact. Parenting coordinators strive to keep their promises and to avoid unwise or unclear commitments.

**Principle D: Justice**

Parenting coordinators recognize that fairness and justice entitle all persons to access to and benefit from parenting coordination and to quality processes, procedures, and services. Parenting coordinators exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust or unsafe practices.

**Principle E: Respect for Individual Rights and Dignity**

Parenting coordinators respect the dignity and worth of all people and the rights of individuals to privacy, safety and self-determination. Parenting coordinators are aware that special safeguards may be necessary to protect the rights and welfare of persons involved in the parenting coordination process whose vulnerabilities may affect or impair autonomous decision making. Parenting coordinators are aware of and respect the diversity of human experience including, but not limited to, differences based upon age, gender, race, ethnicity, gender identity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups. Parenting coordinators try to eliminate the potential effect of these biases on the parenting coordination process.

**ETHICAL STANDARDS OF PROFESSIONAL CONDUCT**

**Scope and Purpose**

The “Ethical Standards of Professional Conduct” are intended to guide parenting coordinators in the performance of their services and instill public confidence in the parenting coordination process. The public's use, understanding, and satisfaction with parenting coordination can only

be achieved if parenting coordinators embrace the highest ethical principles.

### **Parenting Coordination Defined**

Parenting coordination is a process whereby an impartial third person called a parenting coordinator helps the parents implement their parenting plan or court order providing for access to and time sharing with the child by focusing on the best interests of the child, facilitating the resolution of disputes, providing education, making recommendations, and, with the prior approval of the parents and the court, making decisions within the scope of the court order of appointment.

For the purposes of this document, “parent” refers to the child’s mother, father, legal guardian, or other person who is acting as a parent and guardian pursuant to a court order.

### **Parenting Coordination Concepts**

Parenting Coordination is based on the concepts of communication, education, negotiation, facilitation, and problem-solving and emphasizes the needs and best interests of the parents and child.

### **COMPETENCE AND INTEGRITY**

Parenting coordinators maintain high standards of professional competence and integrity.

1. **Concern for Family Members.** Parenting coordinators advance the welfare of families and individuals through their professional services. Parenting coordinators respect the rights of the parents and children involved in the process.
2. **Impartiality.** Parenting coordinators maintain impartiality throughout the process of parenting coordination. Impartiality means freedom from favoritism or bias in word or action toward either parent or child. Although parenting coordinators are advocates for the children and the safety of everyone involved, parenting coordinators have a commitment to assist all persons involved in the process, as opposed to any one individual.
3. **Competence.** Parenting coordinators maintain adequate knowledge of and adhere to applicable laws and court orders. Parenting coordinators do not practice outside the recognized scope of their competencies. Parenting coordinators decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the parenting coordinator’s skill or expertise.
4. **Avoiding Personal Relationships.** Parenting coordinators are aware that they have considerable influence with the parents and children and avoid exploiting their trust and confidence. Parenting coordinators avoid personal and business relationships with family members or their relatives which could impair professional judgment or invite exploitation. A parenting coordinator does not accept the role of parenting coordinator if there has been a prior

personal or business relationship with the family or any family member which could impair professional judgment or invite exploitation.

5. **Avoiding Dual Professional Relationships.** Parenting coordinators do not establish more than one professional relationship with the parents or child. The role of a parenting coordinator is distinct from any other professional relationship, and parenting coordinators do not accept any other professional role, including but not limited to, mental health provider, custody evaluator, mediator, attorney, guardian ad litem, or visitation supervisor with the parents or child. A parenting coordinator does not accept the role of parenting coordinator if there has been a prior professional relationship with either parent or the child.

6. **Legal Advice.** Parenting coordinators do not provide legal advice.

7. **Circumstances Affecting Role.** Parenting coordinators remove themselves from the parenting coordination role if circumstances arise which might impair the parenting coordinators' work performance.

8. **Harassment and Exploitation.** Parenting coordinators do not engage in sexual or other forms of harassment or exploitation of parents, children, students, trainees, supervisees, employees, or colleagues.

9. **Gifts and Favors.** Parenting coordinators neither accept nor bestow any gift, favor, loan or other item of value from or to any person having an interest in the parenting coordination process. It is acceptable for parenting coordinators to provide items of small value which are incidental to the parenting coordination process, such as water, pens, and paper. Parenting coordinators do not use their relationship with the family to solicit future business or appointments. Parenting coordinators do not give gifts to children involved in the parenting coordination process.

10. **Avoiding the Appearance of Impropriety.** Parenting coordinators refrain from any activity that has the reasonable appearance of improperly influencing a court to secure an appointment in a case.

11. **Terminating the Process.** Parenting coordinators seek to terminate the process if it is not reasonably clear that the process is in the best interests of the child.

12. **Written Explanation of Process.** Parenting coordinators provide written information to the parents about the parenting coordination process, including what the parenting coordinator does and does not do, the scope of the parenting coordinator's authority, payment details, and the procedure to terminate services.

13. **Misrepresentations.** Parenting coordinators do not intentionally or knowingly misrepresent any material fact or circumstance to any person involved in the parenting coordination process.

14. **Cooperation Among Professionals.** Parenting coordinators respect the roles of other

professional disciplines and promote cooperation between parenting coordinators and other professionals.

15. **Control Over Decisions.** Parenting coordinators assist parents in making informed decisions that promote the best interests of the child. Parenting coordinators respect the rights of parents to make decisions and help them to understand the consequences of their decisions. Parenting coordinators do not use threats, intimidation, or retaliation to influence any parent or child to make a decision.

16. **Conflict of Interest.** Parenting coordinators do not allow their personal values, morals, or religious beliefs to undermine the parenting coordination process or their efforts to assist the parents and children. If the parenting coordinator has personal, moral, or religious beliefs that will interfere with the process or the parenting coordinator's respect for persons involved in the parenting coordination process, the parenting coordinator should decline the appointment or withdraw from the process.

17. **Professional Cooperation.** Parenting coordinators consult with, refer to, or cooperate with other professionals and institutions to serve the best interests of those with whom they work.

## **PRIVACY**

1. **Information Regarding Privacy.** Parenting coordinators inform those directly involved in the process about the foreseeable uses of the information generated through this process, including that:

a. Parenting coordinators report abuse, neglect, abandonment or exploitation of children and vulnerable adults consistent with existing laws.

b. Parenting coordinators report to law enforcement or other authorities if the parenting coordinator has reason to believe that there is a serious risk of harm to any person involved in the parenting coordination process.

2. **Sharing Information.** Parenting coordinators do not share information outside of the scope of the parenting coordination process, except as required by law, by court order, or agreed upon by the parents. When consulting with colleagues, parenting coordinators do not disclose confidential information that reasonably could lead to the identification of the parents or child, or other person or organization with whom they have a confidential relationship, unless they have obtained the prior consent of the parents or organization.

3. **Recording and Third-party Observation.** Parenting coordinators obtain written informed consent from the parents before videotaping, audio recording, or permitting third-party observation.

4. **Protecting Confidential Information.** Parenting coordinators take reasonable precautions to protect confidential information. Parenting coordinators only disclose information germane

to the purpose for which the communication is made and inform those individuals or organizations contributing to or receiving such reports of the private nature of the process and the materials generated.

5. Use of Materials for Educational Purposes. Parenting coordinators use information concerning the parents and children in teaching, writing, consulting, research, and public presentations only when appropriate steps have been taken to protect client identity and privacy, or when a written waiver has been obtained from all consenting family members, or when there is legal authorization.

### **FINANCIAL ARRANGEMENTS**

1. Explanation of Fees, Costs, Payment, and Collection. Before providing parenting coordination services, parenting coordinators inform the parents, both verbally and in writing, of all fees, costs, methods of payment, and collection. Once services have begun, parenting coordinators provide reasonable notice of any changes in fees or other charges. Parenting coordinators notify the parents if one of the parents seems to be generating excessive fees and attempt to resolve that issue with the parents before seeking guidance from the court.

2. Notice of Intent to Collect Unpaid Fees. Parenting coordinators attempt to resolve all questions regarding assessment and collection of fees and costs with the parents before seeking intervention from a collection agency or the court. Parenting coordinators notify parents of their intent to seek collection of unpaid fees or other charges through a collection agency, attorney, or lawsuit. If such action is taken, parenting coordinators reveal only that information necessary to pursue payment for services.

3. Maintenance of Financial Records. Parenting coordinators maintain records necessary to support charges for services and expenses, and upon request shall make an accounting to the parents, their counsel or the court.

4. Remuneration for Referrals. Parenting coordinators do not accept commissions, rebates or similar remuneration for referrals given or received by the parenting coordinator.

5. Contingency Fees Prohibited. Parenting coordinators do not charge a contingent fee or base a fee on the outcome of the process.

6. Withholding Records for Nonpayment. Parenting coordinators seek direction from the court when they are uncertain about their right to deny a parent's request for records when the parent has not paid the parenting coordinator's fees and costs.

### **DOCUMENTATION OF PROFESSIONAL WORK AND MAINTENANCE OF RECORDS**

1. Responsibility to Keep Records. Parenting coordinators maintain all information and

documents that refer directly to the parenting coordination process, which include, but are not limited to:

- a. the date and time of the each parenting coordination session;
- b. the duration of each parenting coordination session;
- c. persons in attendance at each parenting coordination session;
- d. telephone calls, including the name of persons participating, date and time that relate directly to the parenting coordination process;
- e. all correspondence with either or both parents and/or any other participating person including but not limited to electronic mail, facsimiles and letters with the date and time, if available;
- f. documentation and/or reports obtained during the parenting coordination process pertinent to the parenting coordination process;
- g. initial court order of appointment of parent coordinator and subsequent orders received pertaining to the parenting coordination process;
- h. agreements made by the parents during the parenting coordination process, recommendations made by the parenting coordinator, and decisions determined by the parenting coordinator.

2. Location and Disposal of Records. Parenting coordinators maintain records in a secure location until such time as the youngest child reaches the age of majority and is no longer dependent, or seven (7) years, whichever is longer. Parenting coordinators store, safeguard, and dispose of client records in ways that maintain confidentiality and comply with applicable law.

3. Relocation or Closing the Parenting Coordination Practice. Parenting coordinators make arrangements for storage, transfer, or disposal of client records in a way that maintains confidentiality and safeguards the welfare of the parents and child before moving from the area, closing the parenting coordination practice, becoming incapacitated or dying. Parenting coordinators provide public notice of intent to relocate or close their practices. This notification includes instructions to the parents on how they may obtain a copy of their records or arrange for their records to be transferred.

### **SAFETY AND PROTECTION FOR PERSONS INVOLVED IN THE PROCESS**

Parenting coordinators are aware that domestic violence, substance abuse, or mental health issues can endanger the parents, children, and parenting coordinators and compromise the parenting coordination process. Parenting coordinators monitor the process for domestic violence, substance abuse, or mental health issues and take appropriate action to address any

concerns, including seeking guidance from the court. However, it is not the intent of these guidelines to hold parenting coordinators legally liable for the safety of the participants.

1. Domestic Violence Training. Parenting coordinators obtain specialized training in domestic violence and abuse.

2. Screening for Domestic Violence. Parenting coordinators screen for domestic violence and abuse before and during the parenting coordination process and determine whether it is safe for the parents, the child, and the parenting coordinator to participate in parenting coordination. Parenting coordinators consider:

a. Whether each parent believes it is safe for the parents and child to participate in parenting coordination;

b. Whether there is an imbalance of power between the parents that would compromise the parenting coordination process;

c. Whether either parent has been arrested for a violent act;

d. Whether any injunction for protection has been entered against either parent;

e. Whether there are any indicators or signs of domestic violence or abuse, including psychological or emotional abuse, stalking, economic control or coercion, threats to harm an intimate partner, the child, a family member or pet, or threats of suicide or destruction of property.

3. Injunctions for Protection. Parenting coordinators honor the terms of all active injunctions for protection and do not seek to modify the terms of an injunction so that the parents and child can participate in parenting coordination.

4. Substance Abuse and Mental Health Training. Parenting coordinators obtain specialized training in substance abuse and mental health issues.

5. Screening for Substance Abuse and Mental Health Issues. Parenting coordinators screen for substance abuse and mental health issues before and during the parenting coordination process and determine whether it is safe for the parents, the child, and the parenting coordinator to participate in parenting coordination. Parenting coordinators recommend further evaluations if necessary to determine whether a parent is capable of participating in the parenting coordination process and treatment when it is appropriate.

6. Implementing Safety Measures. Parenting coordinators implement reasonable safety measures to protect all participants in the process. Parenting coordinators consider options, including but not limited to:

a. meeting with the parents separately rather than together, while being sensitive to the additional expense;



- b. recommending a safety-focused parenting plan;
- c. encouraging parallel parenting rather than cooperative parenting;
- d. maintaining strict confidentiality regarding meeting times and locations;
- e. recommending that the parents attend other services separately.

7. **Terminating Process Based on Safety Concerns.** Parenting coordinators recommend terminating the parenting coordination process when it is unsafe to continue.

### **ADVERTISING AND OTHER PUBLIC STATEMENTS**

Parenting coordinators engage in activities that enable the public, referral sources, or others to make informed choices about parenting coordination services. Parenting coordinators do not use false or misleading information or misrepresent their education, training or qualifications. Parenting coordinators do not make claims of achieving specific outcomes or promises implying favoritism for the purpose of obtaining business.

### **EDUCATION AND TRAINING**

1. **Professional Competence.** Parenting coordinators acquire and maintain professional competence in the parenting coordination process, and maintain knowledge of and adhere to applicable laws, ethics, and professional standards. Parenting coordinators regularly participate in educational activities promoting professional growth.

2. **Advancing Parenting Coordination.** Parenting coordinators advance parenting coordination by:

a. encouraging and/or participating in the training of new parenting coordinators, including serving as a mentor;

b. encouraging and/or participating in research, evaluation, and other forms of professional development and public education.

### **RESPONSIBILITY TO THE COURTS**

1. **Compliance with Authority.** Parenting coordinators comply with all state statutes and court rules, and all local rules and administrative orders relevant to the practice of parenting coordination, as well as all court orders applicable to the case. Court appointed parenting coordinators serve at the discretion of the court.

2. Cooperation with Referring Court. Parenting coordinators cooperate with the referring court. Parenting coordinators are candid, accurate, and responsive to the court concerning the parenting coordinators' qualifications, availability and other administrative matters.

3. Providing Information to the Court. When parenting coordinators provide information to the court, parenting coordinators do so in a manner that is consistent with court rules and statutes, including but not limited to, avoiding ex parte communication, unless it is an emergency. Parenting coordinators notify the referring court when the court's order or requests conflict with the parenting coordinator's professional ethical responsibilities. Parenting coordinators notify the court when it is appropriate to terminate the process.

### **RESPONSIBILITY TO THE PROFESSION**

Parenting coordinators are responsible for maintaining professional competence and forthright business practices, fostering good relationships, assisting new parenting coordinators, and generally supporting the advancement of parenting coordination.

### **RESOLVING ETHICAL ISSUES**

These "Ethical Guidelines" do not abrogate other professional standards and regulations that parenting coordinators are professionally bound to follow.

1. Conflict with Law or Court Orders. If any ethical guideline conflicts with a statute, case law, rule, regulations, other professional standards, or the directions of the referring court, parenting coordinators follow all other ethical guidelines that do not conflict with these other authorities and endeavor to comply with the overall spirit and intent of the ethical guidelines.

2. Complaints with the Parenting Coordinator. Parenting coordinators inform the parents how to address a complaint in the event they become dissatisfied with the parenting coordination services or procedures, including informing them of the procedure for contacting the referring court.