

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUITIN AND FOR
HILLSBOROUGH COUNTY, FLORIDAFAMILY DIVISION
IN RE: THE MARRIAGE OF

Petitioner,

CASE NO. 20___-DR-

v.

Respondent.

ORDER OF REFERRAL TO PARENTING COORDINATOR

This matter came before the court, on this ___ day of _____, 20____. The court has determined that this case is appropriate for parenting coordination with consent of the parties, it is **ORDERED:**

1. **Parenting Coordinator.**

Name:

Address:

Phone number:

is hereby appointed as Parenting Coordinator for the parties with regard to the following minor child(ren) whose names and ages are:

2. **Parties and Counsel.**

The father is _____, whose address is _____ and whose phone number is _____. He is represented by _____, Esq. The mother is _____, whose address is _____, and whose phone number is _____. She is represented by _____, Esq.

3. **Expense Shared Equally.**

If the court determines that the parties have the financial abilities to pay the fees of the parenting coordinator and unless otherwise ordered, each parent shall be responsible for paying one-half of the costs of the parenting coordinator. The fees and costs shall be paid directly to the parenting coordinator as and when requested by the parenting coordinator. The court reserves jurisdiction to re-allocate the parties' responsibilities for fees and costs based upon the parties' ability to pay or if there is inequitable usage or abuse of the parenting coordination process as substantiated by the parenting coordinator. The parenting coordinator shall not proceed until he/she is satisfied with the terms and conditions of the payment for his/her services and unless all of his/her fees and costs are paid by the parties in a timely manner as ordered. In the event of nonpayment, the parenting coordinator shall write a letter to the court and the court will schedule a case management conference.

4. **Parenting Coordinator's Role and Responsibilities.**

- 4.1 For the purposes of Parenting Coordination, a non-substantive change is a modification to the Parenting Plan that does not (a) significantly change the quantity or decrease the quality of time the child spends with each parent; (b) modify the designation of primary or secondary residential parent or rotating custody status established in the Parenting Plan; (c) modify the overall designation of shared or sole parental responsibility; or (d) modify or add any terms of supervised visitation.
- 4.2 The parenting coordinator shall have the following roles and responsibilities:
- a. Monitor implementation of a voluntary or court-ordered Parenting Plan or parenting schedule;
 - b. Facilitate the resolution of disputes regarding the implementation of the Parenting Plan, the schedule, or parenting issues, provided such resolution does not involve a substantive change to the Parenting Plan. If there is a history of domestic violence, the parenting coordinator shall not facilitate negotiation of any issue unless the court has made a finding on the record that the history of domestic violence will not compromise the negotiation process. If the court has authorized the facilitation of negotiation when there is a history of domestic violence, the facilitation process shall not involve one party negotiating directly with the other or the parties being required to be present in the same place;
 - c. Recommend to parents strategies for implementing the Parenting Plan or resolving other parenting issues. Such recommendations may include that one or both parents avail themselves of accessible and appropriate community resources, including, but not limited to, random drug screens, parenting classes, and individual psychotherapy or family counseling, if there is a history or evidence that such referrals are appropriate;
 - d. Recommend to the parents non-substantive changes to the Parenting Plan;
 - e. Educate the parents to effectively:
 - i. Parent in a manner that minimizes conflicts;
 - ii. Communicate and negotiate with each other and their child(ren);
 - iii. Develop and apply appropriate parenting skills;
 - iv. Understand principles of child development and issues facing child(ren) when their parents no longer live together;
 - v. Disengage from the other parent when engagement leads to conflicts and non-cooperation;
 - vi. Identify the sources of their conflict with each other and work jointly to minimize conflict and lessen its deleterious effects on the child(ren); and,
 - vii. Allow the child(ren) to grow up free from the threat of being caught in the middle of their parents' disputes.
 - f. Report to the court regarding compliance with the parenting coordination process which could include recommendations to the court about how to more effectively

implement the parenting coordination process;

- g. Report to the court the extent of the parents' compliance with other court orders [therapy, drug tests, child therapy] without providing a recommendation on what should be done regarding any lack of compliance;
- h. Identify to the court the need for a decision on a particular parenting issue but not recommend the specific resolution of the decision;
- i. Communicate with the parents and their child(ren), separately or together, in person or by telephone;
- j. Provide information to health care providers and mental health providers for the parents and the child(ren), and to any other third parties, when reasonably deemed necessary by the parenting coordinator.

4.3 With the consent of the parties and provided that there is no history or evidence of domestic violence which would make any of the following inappropriate, the parenting coordinator shall have these additional responsibilities and access if initialed by the judge:

_____ Temporary decision-making authority to resolve non-substantive disputes between the parties until such time as a court order is entered modifying the decision.

_____ Access to confidential and privileged records.

_____ Making recommendations to the court concerning non-substantive modifications to the Parenting Plan.

5. **Parenting Coordinator Limitations.**

5.1 A parenting coordinator may not serve in any of the following roles for any party or another member of the family for whom the parenting coordinator is providing or has provided parenting coordination services:

- a. Custody evaluator or investigator;
- b. Mediator pursuant to chapter 44, Florida Statutes;
- c. Psychotherapist;
- d. Guardian Ad Litem;
- e. Attorney; or,
- f. Visitation Supervisor

5.2. A parenting coordinator may not:

- a. Address financial matters between the parties;

- b. Make a recommendation to court as to a substantive change in the Parenting Plan;
 - c. Modify the substantive rights of the parties as provided in the parenting agreement or other valid order;
 - d. If domestic violence is present or suspected, bring the parties within proximity of each other or facilitate party communication which would create the opportunity for violence or abuse or otherwise compromise the parenting coordination process; or,
 - e. Release confidential information, which is otherwise protected, that the parenting coordinator has received from other professionals except as may be ordered by the court or expressly agreed to by the necessary parties.
- 5.3. A parenting coordinator is not required to provide crisis counseling or provide services during evenings or weekends.
6. **Scheduling.** Each parent is responsible for contacting the parenting coordinator within 10 days of this order to schedule an initial meeting. Subsequent appointments may be scheduled at the request of the parents or at the request of the parenting coordinator. In most instances such meetings will take place during normal business hours; however, every effort should be made to schedule appointments at mutually convenient times.
7. **Emergency Communication with the Court.**
- 7.1 The parenting coordinator shall work with both parents to resolve conflicts and may recommend appropriate resolution to the parties and their legal counsel prior to the parents seeking court action. In addition to complying with the mandatory reporting requirements pursuant to chapters 39 and 415, Florida Statutes, the parenting coordinator, however, shall immediately communicate with the court, with concurrent notice to the parties, counsel, or a guardian ad litem, in the event of an emergency in which:
- a. A party or child is anticipated to suffer or is suffering abuse, neglect, or abandonment as defined in chapter 39, Florida Statutes;
 - b. A party or someone acting on his or her behalf, is expected to wrongfully remove or is wrongfully removing the child from the other parent and the jurisdiction of the court without prior court approval. Wrongful removal is defined as the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or family member that deprives another individual of his or her custody or visitation rights. While removal of a child may not be wrongful if a court later determines that a parent fled to another state or another location within the state to avoid domestic violence, the parenting coordinator shall report such removal to the court in such a manner that does not jeopardize the safety of anyone;
 - c. A party obtains a final order of protection against domestic violence pursuant to chapter 741, Florida Statutes, or is arrested for an act of domestic violence as defined in chapter 741, Florida Statutes.
- 7.2 In the event that the parenting coordinator communicates with the court without prior notice to the parties, counsel, or a guardian ad litem, the communication shall be under oath, and the court shall determine whether facts and circumstances constitute an emergency as designated in this Order of Referral and whether the emergency requires action to prevent or stop furtherance of the emergency before the parties and/or guardian

ad litem can be heard in opposition to the action. Every order in which the court takes action without prior notice to the parties, counsel, or a guardian ad litem shall state the factual basis for the action and why prior notice was not given. Further, such an order shall be endorsed with the date and time of entry, immediately filed with the clerk and served upon all persons who were otherwise entitled to notice of the action. If the court takes action based upon such communication without notice, the court shall conduct a hearing as soon as practicable thereafter, giving all interested parties notice and an opportunity to be heard. Any such communication between the parenting coordinator and the court shall be revealed to the parties as soon as possible without endangering anyone or hampering the action taken by the court.

8. **Domestic Violence.** If, during the parenting coordination process, the court finds domestic violence issues which appear to compromise the safety of any person or the integrity of the process, the court will terminate the process.
9. **Parenting Coordinator Reports and Appearances in Court.**
 - 9.1 Copies of all parenting coordinator's reports to the court shall be sent to the parties, their attorneys, and the guardian ad litem. The parenting coordinator's reports are not confidential and may be presented to the court by the parties or counsel according to rules of evidence. In cases where there is a history domestic violence, the parenting coordinator shall take necessary steps to protect certain personal information about the victim which may be necessary to protect the safety of the victim and integrity of the parenting coordination process.
 - 9.2 If either party wants the parenting coordinator to testify on any matter, he or she must first file a motion and notice of hearing and show good cause in the motion and at the hearing why the court should require the coordinator to testify. The coordinator must be given a copy of the motion and notice of hearing. The requesting party shall initially be responsible to compensate the parenting coordinator for his or her attendance at court.
 - 9.3 During the term of appointment of the parenting coordinator, the court will schedule status conferences to monitor the parenting coordination process.
 - 9.4 The parenting coordinator shall not be called as a witness in any court proceeding regarding change of primary residence except by order of court based on good cause shown in exceptional cases.
 - 9.5 A parenting coordinator who is called to testify in a court proceeding is not automatically disqualified from participating in further parenting coordination efforts with the family. However, following such testimony, the court in its discretion may order substitution of a new parenting coordinator or the parenting coordinator may voluntarily determine that such substitution would be in the best interest of the child(ren).
10. **Terms of Appointment.**
 - 10.1 The parenting coordinator is appointed until discharged by the court. The parenting coordinator may apply directly to the court for a discharge and shall provide the parties and counsel with notice of the application for discharge. The court may discharge the parenting coordinator without a hearing unless either party requests a hearing in writing within 10 days on the application for discharge.
 - 10.2 Either party may seek to suspend or terminate the parenting coordination process by filing a motion with the court. The parenting coordinator's services may not be terminated by either of the parties without order of the court.
 - 10.3 In the event that the parenting coordinator is discharged, the court will furnish a copy of

the termination to the parenting coordinator and the parties.

11. **Reservation of Jurisdiction or Incorporation of Negotiated or Agreed Matters into Enforceable Court Orders.** One of the goals of the parenting coordinator is to encourage parties to harmoniously resolve shared parenting issues without the need for court intervention. The parties may desire, however, to memorialize an agreement and have it ratified and approved by court order. There may be occasions when the parties deem it prudent to have a negotiated or agreed matter memorialized in an enforceable court order. The parties, or their counsel if they are represented, may accomplish this by filing a stipulation signed by both parties and a proposed order. In that instance, the court will determine whether a hearing is required. This court specifically reserves jurisdiction to enforce the terms and conditions of this Order and to modify same according to law. **ORDERED** in Tampa, Hillsborough County, Florida on this ___ day of _____, 20__.

CIRCUIT JUDGE

Conformed copies to: