

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR DESOTO, MANATEE AND SARASOTA COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER 2007-1.12
(Amends 2006-9.12)

IN RE: PARENTING COORDINATION IN FAMILY LAW CASES

Whereas, children caught in the middle of high parental conflict are more likely to be harmed;

Whereas, it is the public policy of the State of Florida to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights, responsibilities, and joys of childrearing;

Whereas, parenting coordination is a process whereby an impartial third person, called a parenting coordinator, helps the parties implement their parenting plan by facilitating the resolution of disputes between parents and/or legal guardians, providing education, making recommendations to the parties and, with the prior approval of the parties and the court, making decisions within the scope of the court order of appointment;

Whereas, the use of parenting coordinators promotes the best interests of minor children and their parents in high conflict cases by reducing the duration and severity of parental conflict, thereby protecting children from the harmful effects of such conflict;

Whereas, parenting coordinators provide a form of alternative dispute resolution that enhances the purposes of chapter 61, Florida Statutes, including section 61.13(2)(b)1;

Whereas, the Florida Supreme Court adopted a guiding principle encouraging a family court process to “empower families through skills development, assist them to resolve their own disputes, provide access to appropriate services, and offer a variety of dispute resolution forums where the family can resolve problems without additional emotional trauma,” *In re Report of the Family Court Steering Committee (Family Courts IV)*, 794 So.2d 518, 522 (Fla. 2001);

Whereas, the adoption of the following provisions will provide for the proper administration of parenting coordination within this circuit, it is hereby

ORDERED:

1. The court may appoint a parenting coordinator to assist them to effectively implement existing court orders on issues of shared parenting, as provided for in this Administrative Order and the Order of Referral to Parenting Coordinator when:

- A. The parties have failed to adequately implement their parenting plan in relation to the child(ren) who are subject(s) of the proceedings;
- B. Mediation has not been successful or has been determined by the court to be inappropriate;
- C. The court finds that appointment of a parenting coordinator is necessary to protect the child(ren) from harm caused by the parents' failure to implement the parenting plan;
- D. The parties can afford to pay for the parenting coordinator's services or the services of the parenting coordinator can be provided at no expense to the parties; and
- E. The court has entered a temporary or final order setting out the nature and extent of the contact between the child(ren) and each parent (hereinafter the "Parenting Plan").

2. Parenting coordinators shall not be appointed in chapter 39 or chapter 741 proceedings.

3. Before appointing a parenting coordinator, the court should consider any domestic violence, injunction for protection, other known history of criminal violence, or other known indication of danger, and assess whether there appear to be any issues which might compromise the safety of the parties, their child(ren), the parenting coordinator, or any other person, or in any other manner compromise the integrity of the parenting coordinator process. The court shall consider any heightened safety risk or imbalance of power often present during the pendency of a temporary Parenting Plan. If the court finds any circumstances, which appear to compromise the safety of any person or the integrity of the process, the court shall not appoint a parenting coordinator.

4. After the appointment of the parenting coordinator, the court should terminate the parenting coordination process if the court finds domestic violence issues or any other circumstances, which appear to compromise the safety of any person or the integrity of the process.

5. The parenting coordination process shall be neither confidential nor privileged.

6. Prior to appointing the parenting coordinator, the court shall explain the parenting coordination process to the parties, including the role of the parenting coordinator, the continuing responsibilities of the court, and the non-confidential nature of the parenting coordination process. If both parties are represented by counsel, the court may direct counsel to provide this explanation to the parties. The explanation shall be in a form approved by the Florida Supreme Court, with both the explanation and the parties'

consent on the record, if a court reporter is present or tape recording is utilized. If not, the explanation shall be in writing, signed by each party and filed with the court.

7. Within 10 days of referral to parenting coordination, the parties may agree upon a parenting coordinator who meets the qualifications listed below, or someone who, in the opinion of the parties and upon approval by the court, is otherwise qualified by training or experience to serve as a parenting coordinator for the case.

8. If the parties cannot agree on a parenting coordinator within 10 days, the court will appoint a parenting coordinator who meets all of the following qualifications:

A. Licensure as a mental health professional pursuant to chapters 490 or 491, Florida Statutes, or licensure as a physician pursuant to chapter 458, Florida Statutes, with certification by the American Board of Psychiatry and Neurology;

B. Three years of post-licensure practice;

C. Completion of a Florida Supreme Court certified family mediation training program; and

D. A minimum of 20 hours of parenting coordination training covering all of the learning objectives provided in Attachment B: *Comprehensive Parenting Coordination Training*.

Service as a parenting coordinator in four or more cases before June 30, 2006 may be substituted for the requirements of paragraphs A and B, if the parenting coordinator also has completed a minimum of four hours of domestic violence training provided by the Florida Coalition Against Domestic Violence or another training program approved by the Florida Supreme Court.

9. The court shall not appoint a person to serve as parenting coordinator who, in any jurisdiction:

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

B. Has admitted to having, or has been found by a court in a child protection hearing to have, abused, neglected, or abandoned a child;

C. Has consented to an adjudication or a withhold of adjudication of a petition for dependency; or

D. Is or has been a respondent in a final order of protection against domestic violence.

A parenting coordinator shall report to the court immediately if any of the circumstances described in 9(A) – 9(D) occur, and the court shall appoint a new parenting coordinator if the process is to continue.

10. For the purposes of this Administrative Order, 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.

11. The court may order the parenting coordinator to:

- 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 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, the schedule, 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 changes to the Parenting Plan that do not involve a substantive change;
- 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 concerning how to more effectively implement the parenting coordination process;

G. Report to the court the extent of 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; and

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.

12. Provided that there is no history or evidence of domestic violence, which would make any of the following inappropriate, the court order appointing the parenting coordinator may:

A. Provide the parenting coordinator with temporary decision-making authority to resolve non-substantive disputes between the parties until such time as a court order is entered modifying the decision;

B. Authorize the parenting coordinator to have access to confidential and privileged records; and

C. Authorize the parenting coordinator to make recommendations to the court concerning non-substantive modifications to the Parenting Plan.

13. A parenting coordinator may not serve in any of the following roles for any party or other immediate family member for whom the parenting coordinator is providing or has provided parenting coordination services, nor may a parenting coordinator provide parenting coordination services after serving in any of the following roles:

- 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.

14. A parenting coordinator may not:

- A. Address financial matters between the parties;
- B. Make a recommendation to the 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 could create the opportunity for violence or abuse or otherwise compromise the parenting coordination process;
- 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.

15. A parenting coordinator is not required to provide crisis intervention services or provide services during evenings or weekends.

16. 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 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 or 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.

17. The parenting coordinator is appointed until discharged by the court or as provided in the order of appointment. 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 of the application for discharge.

18. 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.

DONE AND ORDERED in Sarasota County, this 11th day of January, 2007.

Original Signed & Filed with Clerk of Court

Robert B. Bennett, Jr., Chief Judge

Original to: Clerk of Circuit Court, Sarasota County
Copies provided to: Clerk of Court, Manatee County
Clerk of Court, DeSoto County
IT Department
Court Administrator's Office
Guardian Ad Litem's Office