

## **Florida Statute 61.125 – Parenting Coordination**

61.125 Parenting coordination.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Communication” means an oral or written statement, or nonverbal conduct intended to make an assertion, by or to a parenting coordinator, a participant, or a party made during parenting coordination, or before parenting coordination if made in furtherance of the parenting coordination process. The term does not include the commission of a crime during parenting coordination.

(b) “Office” means the Office of the State Courts Administrator.

(c) “Parenting coordination” means a nonadversarial dispute resolution process that is court ordered or agreed upon by the parties.

(d) “Parenting coordinator” means an impartial third party appointed by the court or agreed to by the parties whose role is to assist the parties in successfully creating or implementing a parenting plan.

(e) “Parenting Coordinator Review Board” means the board appointed by the Chief Justice of the Florida Supreme Court to consider complaints against qualified and court-appointed parenting coordinators.

(f) “Participant” means any individual involved in the parenting coordination process, other than the parenting coordinator and the named parties, who takes part in an event in person or by telephone, video conference, or other electronic means.

(g) “Party” means a person participating directly, or through a designated representative, in parenting coordination.

(2) PURPOSE.—The purpose of parenting coordination is to provide a child-focused alternative dispute resolution process whereby a parenting coordinator assists the parents in creating or implementing a parenting plan by facilitating the resolution of disputes between the parents by providing education, making recommendations, and, with the prior approval of the parents and the court, making limited decisions within the scope of the court’s order of referral.

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

(4) DOMESTIC VIOLENCE ISSUES.—

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

(b) In determining whether there has been a history of domestic violence, the court shall consider whether a party has committed an act of domestic violence as defined s. 741.28, or child abuse as defined in s. 39.01, against the other party or any member of the other party's family; engaged in a pattern of behaviors that exert power and control over the other party and that may compromise the other party's ability to negotiate a fair result; or engaged in behavior that leads the other party to have reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence. The court shall consider and evaluate all relevant factors, including, but not limited to, the factors listed in s. 741.30(6)(b).

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

#### (5) QUALIFICATIONS OF A PARENTING COORDINATOR.—

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

1. Meet one of the following professional requirements:

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

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

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

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

2. Complete all of the following:

a. Three years of postlicensure or postcertification practice.

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

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

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

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

(d) Unless there is a written agreement between the parties, the court may appoint only a qualified parenting coordinator.

(6) DISQUALIFICATIONS OF PARENTING COORDINATOR.—

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

1. Has been convicted or had adjudication withheld on a charge of child abuse, child neglect, domestic violence, parental kidnapping, or interference with custody;
2. Has been found by a court in a child protection hearing to have abused, neglected, or abandoned a child;
3. Has consented to an adjudication or a withholding of adjudication on a petition for dependency;
4. Is or has been a respondent in a final order or injunction of protection against domestic violence; or
5. Has been disqualified by the Parenting Coordinator Review Board.

(b) A parenting coordinator must discontinue service as a parenting coordinator and immediately report to the court and the parties if any of the disqualifying circumstances described in paragraph (a) occur, or if he or she no longer meets the qualifications in subsection (5), and the court may appoint another parenting coordinator.

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

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

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

(8) **CONFIDENTIALITY.**—Except as otherwise provided in this section, all communications made by, between, or among the parties, participants, and the parenting coordinator during parenting coordination sessions are confidential. The parenting coordinator, participants, and each party designated in the order appointing the coordinator may not testify or offer evidence about communications made by, between, or among the parties, participants, and the parenting coordinator during parenting coordination sessions, except if:

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

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

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

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

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

(f) The testimony or evidence is necessary pursuant to paragraph (6)(b) or subsection (9);

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

(h) The parties or participants agree that the testimony or evidence may be permitted;

(i) The testimony or evidence is necessary to protect any person from future acts that would constitute domestic violence under chapter 741; child abuse, neglect, or abandonment under chapter 39; or abuse, neglect, or exploitation of an elderly or disabled adult under chapter 825;

(j) The testimony or evidence is offered to report, prove, or disprove a violation of professional malpractice occurring during the parenting coordination process, solely for the purpose of the professional malpractice proceeding; or

(k) The testimony or evidence is offered to report, prove, or disprove professional misconduct occurring during the parental coordination proceeding, solely for the internal use of the body conducting the investigation of the conduct.

(9) **REPORT OF EMERGENCY TO COURT.**—

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

1. There is a reasonable cause to suspect that a child will suffer or is suffering abuse, neglect, or abandonment as provided under chapter 39;
2. There is a reasonable cause to suspect a vulnerable adult has been or is being abused, neglected, or exploited as provided under chapter 415;
3. A party, or someone acting on a party's behalf, is expected to wrongfully remove or is wrongfully removing the child from the jurisdiction of the court without prior court approval or compliance with the requirements of s. 61.13001. If the parenting coordinator suspects that the parent has relocated within the state to avoid domestic violence, the coordinator may not disclose the location of the parent and child unless required by court order.

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

(10) IMMUNITY AND LIMITED LIABILITY.—

(a) A person appointed or employed to assist the Supreme Court in performing its duties relating to disciplinary proceedings involving parenting coordinators, including a member of the Parenting Coordinator Review Board, is not liable for civil damages for any act or omission arising from the performance of his or her duties while acting within the scope of his or her appointed function or job description unless such person acted in bad faith or with malicious purpose.

(b) A parenting coordinator appointed by the court is not liable for civil damages for any act or omission in the scope of his or her duties under an order of referral unless such person acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for the rights, safety, or property of the parties.

(11) STANDARDS AND PROCEDURES.—The Supreme Court shall establish minimum standards and procedures for the training, ethical conduct, and discipline of parenting coordinators who serve under this section. The office may appoint or employ personnel as necessary to assist the court in exercising its powers and performing its duties under this section.

History.—s. 2, ch. 2009-180; s. 3, ch. 2019-98; s. 11, ch. 2020-2.