

**IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE
COUNTY, FLORIDA**

FAMILY DIVISION

CASE NO. 2006-DR-

IN RE:

Petitioner,

and

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 in accordance with Administrative Order 06-03 and with consent of the parties, it is **ORDERED**:

1. The parties have been referred to Family Court Services for the designation of a parenting coordinator to this case.

The parenting coordinator is defined as a licensed mental health provider and/or a certified family mediator with a minimum of three years of extensive experience in the following disciplines: family systems theory, developmental psychology, high conflict divorce resolution techniques including mediation, children adjustment issues specific to divorce including parental alienation, domestic abuse, and knowledge of the legal facets of divorce.

2. Family Court Services will inform the Court of the parenting coordinator designated.

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 1) significantly change the quantity or decrease the quality of time the child spends with each parent; 2) modify the designation of primary or secondary residential parent or rotating custody status established in the Parenting Plan; 3) modify the overall designation of shared or sole parental responsibility; or 4) 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:
- A. 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. Communication with parties, children, health care providers, psychological providers and any other third parties deemed necessary by

the parenting coordinator. The parties will cooperate with the parenting coordinator and shall execute any necessary authorizations to enable the parenting coordinator to obtain information about the children and/or their parents.

- C. Making recommendations to the court concerning non-substantive modifications to the Parenting Plan or developing an existing parenting plan when necessary.

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
- 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;
- 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.

7. **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.

8. **Parenting Coordinator Reports and Appearances in Court**

8.1 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.

8.2 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.

8.3 During the term of appointment of the parenting coordinator, the court will schedule status conferences to monitor the parenting coordination process and will assess the necessity for the continuation of parenting coordination after a period of two years from the designation of the parenting coordinator.

8.4 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.

8.5 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).

9. **Terms of Appointment**

9.1 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.

9.2 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.

9.3 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.

10. **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 Miami-Dade County, Florida on this _____ day of _____, 20_____.

, CIRCUIT JUDGE

Pursuant to Rule 12.080, Fla. Fam. Law Rule, conformed copies have been mailed this _____ day of _____, 20_____, to the following:

Attorney for Petitioner
Attorney for Respondent
Parenting Coordinator