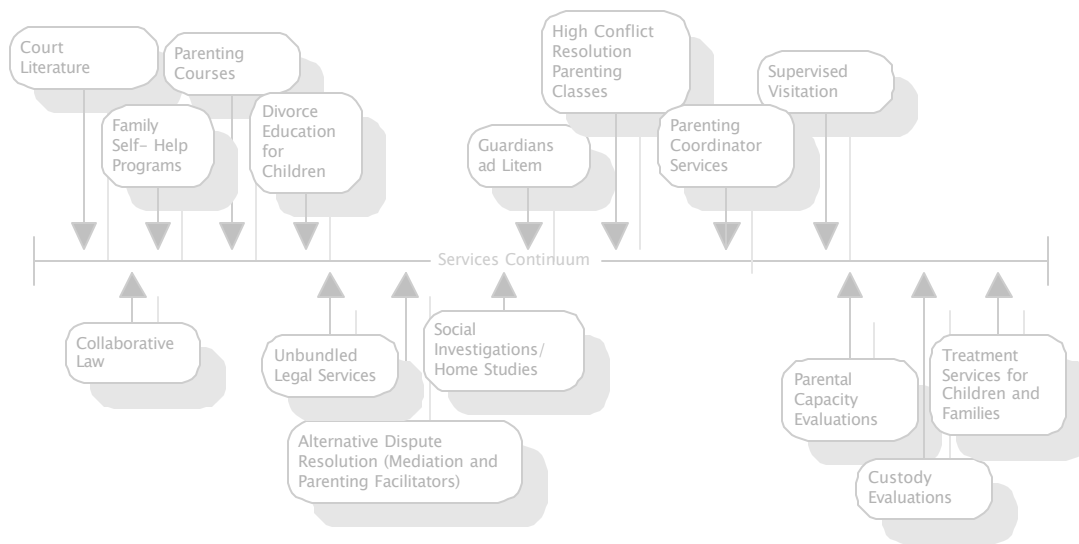


A Comprehensive Service Model for Resolution of Parenting Issues



Prepared by the Alternative Dispute Resolution+
Subcommittee
of the Family Court Steering Committee

COMPREHENSIVE SERVICES FOR RESOLUTION OF PARENTING ISSUES

Courts should proactively seek ways of helping parents in a custody dispute protect or restore healthy relationships with their children and develop mechanisms for resolving disputes with each other in a timely manner in the best interests of their children.¹

The vision of Florida's judicial branch is that justice in Florida will be accessible, fair, effective, responsive and accountable. In domestic relations cases involving custody matters of minor children, the effectiveness and responsiveness of the court may be measured by the degree of services it directly provides families and the level of initiative the court takes to assure the availability of services not directly provided.

The need for access to a variety of court and community services has been consistently addressed in the Florida Supreme Court's opinions on family courts. In 1991, the Court emphasized the necessity of having child assessment services available for all types of cases within the family division, specifically finding that "there is no justification for child assessment services that are available only in juvenile dependency matters and not available when the same type of decision is being made in a dissolution-custody proceeding." In re Report of the Commission on Family Courts, 588 So.2d 586 at 589 (Fla. 1991). In 1994, the Court directed the trial courts to coordinate and maximize court resources in addition to establishing linkages with community-based resources. In re Report of the Commission on Family Courts, 633 So.2d 14 (Fla. 1994). And more recently, the Court stated that a family's access to a variety of dispute resolution forums enables the judicial system to promote the resolution of conflict and not facilitate it. In Re Report of the Family Court Steering Committee 794 So.2d 518 (Fla. 2001).

Families who turn to the court to help resolve custody issues need an individualized approach that recognizes the special needs of children. Some families resolve their matters amicably with a relatively low level of conflict and stress while others engage in high conflict disputes. As the level of conflict increases, families frequently need court or community services to help them cope and resolve their disputes in a timely manner with the goal of minimizing the negative impact on the children.

The following is a proposed service model that offers a continuum of services for families involved in custody proceedings. This service model contains information on sixteen service types; seven of which have been identified by the Florida Supreme Court as essential elements of a model family court. In Re: Report of the Family Court Steering Committee, 794 So.2d 518 (Fla. 2001). They include family self-help programs, guardian ad litem, custody evaluations, supervised visitation,

¹ Recommendation from the September 2000 conference, "High-Conflict Custody Cases: Reforming the System for Children," sponsored by the American Bar Association Family Law Section and The Johnson Foundation.

education programs for parents, treatment programs and alternative dispute resolution (mediation). The proposed continuum builds on these seven services to create a comprehensive service model for custody cases. The model suggests that the least intrusive services should be considered depending on the level of conflict in the family. Although the services are presented in a continuum, it is recognized that divorce is a process and not an event or simply the issuance of a final judgement. Therefore, the service needs of a family do not necessarily fall in a straight line but remain dynamic throughout the family's involvement in the judicial action.

Building a comprehensive continuum of services requires strong partnerships with community stakeholders, adequate funding for services and appropriate evaluation and monitoring of the quality of services. In addition, judges, case managers and court staff need to understand their roles in identifying the needs of families in high conflict cases and receive training to enable them to assess the level of conflict in families as soon as possible so service referrals can be recommended or ordered.



COURT LITERATURE

Description: Court literature component includes: pamphlets and brochures regarding the laws and procedures involved in custody proceedings; roadmaps that help families navigate the court system; expectations of parents and other participants; and, community resources. The literature may also include written information for children. Ideally, the literature is reader-friendly and readily available.

When Used: The literature is available at all stages of court involvement.

How Used: Court literature is displayed in high traffic areas of the courthouse and in self-help programs. Also, information may be posted on court websites. The parents access the information voluntarily.

Professional Standards: Not applicable.

Statute/Rule References: None.

Service Provider and Funding Source: This component relates to access and information. It is an integrated court function that facilitates enhanced service to the community and system efficiencies. The judicial branch provides this service using funds appropriated in the state court system's budget. Typically, court literature is available at no cost to parents.



COLLABORATIVE LAW

Description: Collaborative law is a non-adversarial process whereby the parents and their attorneys specifically agree to use cooperative strategies to reach a settlement agreement, avoiding judicial involvement and the high financial and emotional costs of divorce litigation. The attorneys use problem solving techniques, present options for the parties and use informal discovery methods. The parties voluntarily provide financial documents, participate in negotiation conferences and agree to use the same experts (for example, accountants and psychologists), as needed. The parties may, at any time during the process, elect to pursue litigation. However, the parties agree that doing so will require that they hire other counsel. Other professionals such as financial experts and mental health professionals may become part of the collaborative “team” and bound by the same agreement to work cooperatively and withdraw if litigation ensues.

When Used: The services are used prior to filing a petition; or, after one party files a petition but then later agrees to dismiss the petition and opt for collaborative family law services.

How Used: The parents access the services voluntarily.

Professional Standards: The attorneys who provide the collaborative law services are bound by the Rules and the ethics of their profession. Ideally, they have been in practice for at least five years and have received specialized training in collaborative law.

Statute/Rule References: None.

Service Provider and Funding Source: These services are provided by members of The Florida Bar. The parties are charged hourly fees that are paid on a per-service basis.



FAMILY SELF-HELP PROGRAMS

Description: Self-help programs offer procedural guidance to self-represented litigants in domestic relations cases. Although staff in family self-help programs may be law trained, they do not provide legal advice. Self-help personnel may provide: information about pro bono and low cost legal services; information and approved instructions about available approved forms for parenting issues; definitions of legal terminology used custody cases; citations of statutes and rules regarding custody and visitation; general information about court process, practice and procedure; information about mediation and parenting courses; parenting plan templates; and, information about community services. The programs may include client libraries with consumer friendly books and videos about parenting issues. They may also offer computer stations where the parents can prepare their own legal paperwork, and toys and age appropriate learning material for children to use while their parents obtain program services. The family self-help program is an essential element of the model family court.

When Used: The services may be accessed before filing, during the pendency of the case and post-judgment.

How Used: The parents access the program voluntarily.

Professional Standards: Not applicable.

Statute/Rule References: In Re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S287 (May 3, 2001) and Rule 12.750, Fla.Fam.L.R.P.

Service Provider and Funding Source: This component relates to access and information. It is an integrated court function that facilitates enhanced service to the community and system efficiencies. The judicial branch provides this service using funds appropriated in the state court system's budget. Rule 12.750(k), Fla. Fam.L.R.P., states that the family law self-help programs may require the parties to pay the cost of services, provided that the charge for persons who are indigent is substantially reduced or waived.



PARENTING COURSES

Description: Parenting courses are designed to educate, train and assist divorcing parents about the effects of divorce on parents and children. Parenting courses provide general information regarding: the issues and legal procedures for resolving custody and child support disputes; the emotional experiences and problems of divorcing parents; the family problems and the emotional concerns and needs of the children; and, the availability of community services and resources. In Florida, all parties to a dissolution of marriage proceeding with minor children or a paternity action that involves issues of parental responsibility must complete the course. The course must be, at a minimum, four hours in length. This service is an essential element of the model family court.

This service may be expanded to include a separate curriculum for parents who have never married.

When Used: All parents must complete the course as expeditiously as possible after filing for dissolution of marriage. The course must be completed prior to the entry of the final judgment. The Family Court Steering Committee has recommended that parents be required to attend the course within 30 days of service of the petition on the respondent. Anecdotal evidence suggests that providing the parents with skills and resources early may minimize the impact of the divorce on the children involved.

How Used: Each judicial circuit maintains a registry of course providers. The parents are referred to the service using the registry.

Professional Standards: The Family Court Steering Committee has recommended minimum curriculum standards for parenting courses, including that instructors be certified by a nationally or state recognized parent education program or must hold a Masters Degree or higher in counseling, mental health, social work, psychology, or education and have two years experience in dealing with family and parenting issues, including experience in divorce related issues and experience in adult education.

Statute/Rule References: In Re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S287 (May 3, 2001) and 61.21, F.S.

Service Provider and Funding Source: This component relates to the oversight function of the judicial branch. This service is available through community providers. Judicial branch oversight exists as outlined in the statute. The courses may be free or a reasonable fee may be charged. Typically, the fees range between \$10.00 and \$50.00. Providers may have a sliding scale or fee waiver provision for low income participants.



DIVORCE EDUCATION FOR CHILDREN

Description: Divorce education for children are programs for children that aim to minimize the harmful effects of divorce and reduce the stress experienced by the children. The programs are tailored to meet the developmental needs of the children and the target age group. Generally, the topics closely follow the issues introduced in the adult parenting courses. However, the children's groups incorporate games and activities in order to teach coping skills and feelings awareness. By interacting with other children in similar situations, children get the chance to see that they are not alone in dealing with the effects of separation and/or divorce. Ideally, children become more comfortable discussing the subject and are encouraged to talk with their parties about their concerns. In some areas, local school systems offer these programs and/or support groups for children.

When Used: Before, during and after custody proceedings.

How Used: Parents seek the services voluntarily or the courses may be court ordered, if available.

Professional Standards: Ideally, the instructors hold a Masters degree or higher in counseling, social work, psychology or education and have two years experience in dealing with children and families, including experience in divorce related issues and experience in childhood education.

Statute/Rule References: None.

Service Provider and Funding Source: This component relates to the oversight function of the judicial branch. This service is available through community providers. The circuit may review the curriculum, set minimum standards for the instructors and require an evaluation component. The courses are often available for a flat fee or at no charge to the parents.

UNBUNDLED LEGAL SERVICES

Description: Unbundled legal services are discrete task services obtained by parents. The parent determines which tasks will be completed by the attorney and purchases those limited legal services rather than the full service package. These services include: advising about court procedures; drafting specific documents, including parenting plans; assisting in the calculation of child support obligations; and, in some cases, appearing at a specific hearing.

When Used: The services may be used pre- and post-filing.

How Used: The parents access the services voluntarily.

Professional Standards: Unbundling may be permitted under existing rule 4-1.2 of the Rules Regulating The Florida Bar. The attorneys who provide the unbundled services are bound by the Rules and the ethics of their profession.

Statute/Rule References: None.

Service Provider and Funding Source: These services are provided by members of The Florida Bar. The parties are charged hourly fees that are paid on a per-service basis.



PARENTING FACILITATORS

Description: Parenting facilitators offer an alternative dispute resolution service, beyond that provided by self-help programs. The primary tool used by the facilitator is the parenting plan. The parenting plan is a formal written statement of how the needs of the children are going to be met with the goal of preventing or minimizing future misunderstandings and litigation. Generally, the plan covers the following areas: residential and child care arrangement, time spent with each parent and the wider extended family, financial arrangements, recreation and holiday arrangements, resolution of conflict, education and religious involvement. Parenting facilitators interview both parents, jointly or separately, regarding parenting issues. They may also interview extended family members who desire visitation (for example, grandparents). After the interviews, the facilitator develops a basic, non-clinical needs assessment in preparation of creating a plan. They then assist the parents in negotiating a parenting plan. The facilitators assist the parents not only by helping them make some decisions in advance, but also to identify how the parents will make decisions when issues arise. Unlike parenting coordinators, the services provided by the facilitators end once the parenting plan is finalized or the parents are unable to agree to a parenting plan. Unlike mediators, parenting coordinators may make recommendations to the parents regarding parenting issues.

When Used: Parenting facilitators may be used before, during or after custody proceedings.

How Used: The court may order that the parents seek assistance from a parenting facilitator or, the parties may voluntarily seek services.

Professional Standards: Parenting facilitators are professionally trained court staff, typically meeting the same minimum qualifications as case managers. Ideally, a parenting facilitator holds a Masters degree in Social Work and is a trained mediator.

Statute/Rule References: None.

Service Provider and Funding Source: This component relates to alternative dispute resolution mission of the branch. It is an essential court function that facilitates enhanced service to the community and system efficiencies by providing a mechanism for resolving custody disputes without litigation. As with mediation, the judicial branch provides this service via an

employee or a contract model, using funds appropriated in the state court system's budget. Parents may be required to pay a portion of the cost of this service, based on their ability to pay.

Issues: There currently are no rules and procedures governing parenting facilitators. More work is needed to clearly define the differences between mediators, coordinators and facilitators and to create the appropriate procedures and protections for the parties and service providers.



PARENTING MEDIATION

Description: Mediation of parenting issues is a process designed to help parents make their own plans for their involvement with their children. It provides structure at a time when communication is often difficult. Mediation sessions are facilitated by a trained neutral third person who provides a setting where each party can fully describe his or her own point of view. The mediator assists parents by helping couples identify and potentially, resolve custody and visitation issues. The mediator helps parents communicate in an informal, nonadversarial and confidential setting. A mediator does not have any decision making authority. If a voluntary, mutually acceptable agreement is reached at mediation, it is written up for review by the parties and their attorneys (if represented). Upon signature of the parties (and attorneys, if represented), the agreement is submitted to the court for review and, if approved, entered by the judge. This service is an essential element of the model family court.

When Used: Mediation may be used in lieu of parenting litigation or post-judgment for modification.

How Used: The parents may voluntarily participate in mediation or it may be court ordered. If court-ordered, the parties are required to “appear” at the mediation. They are not required to resolve the issues. The parents may bring their attorneys to the mediation sessions or the parties may pursue mediation without them.

Professional Standards: The Association of Family, Court and Community Professionals have published Model Standards of Practice for Family and Divorce Mediation. All Florida Supreme Court certified family mediators (and all mediators who mediate pursuant to a court order) must adhere to the standards adopted in the Florida Rules for Certified and Court-Appointed Mediators. The Rules also provide mediator qualifications.

Statute/Rule References: In Re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S287 (May 3, 2001) and 44.1011(2)(d), 44.102, 61.183, F.S.

Service Provider and Funding Source: This component relates to alternative dispute resolution mission of the branch. It is an essential court function that facilitates enhanced service to the community and system efficiencies by providing a mechanism for resolving custody disputes without

litigation. The judicial branch provides this service via an employee or a contract model, using funds appropriated in the state court system's budget. Parents may be required to pay a portion of the cost of this service, based on their ability to pay. Mediation services are also provided by private mediators available in the community, in which case the parents pay all related costs.

HOME STUDIES / SOCIAL INVESTIGATIONS

Description: Home studies or social investigations are assessments of the child's home environment and education status. Home studies include, but are not limited to: evaluation of the home environment; separate meetings with each parent to discuss family issues; checking with schools for information on the child's attendance, behavior and other factors; and, criminal background checks. The home study investigator furnishes the court with written recommendations and a written statement of facts on which the recommendations are based.

When Used: The court may order a home study/social investigation during the pendency of any action concerning the custody of a minor child.

How Used: The court may consider the written information provided by the investigator in making a decision about the child's custody.

Professional Standards: Governed by statute, home studies/social investigations may be conducted by court staff or by mental health providers (specifically, a licensed child-placing agency, a licensed psychologist, a clinical social worker, marriage and family therapist or a licensed mental health counselor).

Statute/Rule References: sections 61.20 and 61.13, F.S.

Service Provider and Funding Source: This component relates assessment and evaluation. It is an integrated court function that facilitates enhanced service to the community and system efficiencies by providing information to the judge that can facilitate judicial decision-making. This service is offered by community providers and the executive branch. If a community provider is used, the parents incur the cost of the investigation. If the court finds the parents are indigent, the court may request that the investigation be completed by the Department of Children and Families.

Issues: 1) The employee model may not be recommended here because investigation is not a function consistent with the role of the judicial branch. 2) Although the statute provides for the Department of Children and Families to conduct investigations when the parents are indigent, the Department does not routinely provide this service. 3) May need to consider making recommendations similar to those for approving parenting course providers. This may provide for some consistency and consensus on the role and qualifications of this resource.



GUARDIANS AD LITEM

Description: The primary role of the guardian ad litem is to protect and promote the best interest of the children. Acting as a “next friend” of the child, the guardian ad litem works for the benefit of the child and is the child’s voice in court. The guardian ad litem may perform an independent investigation of the facts relevant to the child’s welfare and assist the court in obtaining independent expert evaluations and recommendations, when appropriate. The guardian ad litem presents facts to the court pertinent to the investigation and the best interest of the child and files a written report with the court. The report may include recommendations and a statement of the wishes of the child. As a party to the case, the guardian ad litem is entitled to be present during proceedings and receive copies of all documents filed with the court.

When Used: Services are ordered during proceedings involving highly contested custody matters that often involve allegations of abuse or neglect.

How Used: A guardian ad litem may be appointed by the court at the request of one or both of the parents, or upon the court’s own motion.

Professional Standards: A guardian ad litem for custody cases must be either a citizen certified by the Guardian ad Litem Program to act in family law cases or an attorney who is a member in good standing of The Florida Bar.

Statute/Rule References: Sections 61.401–61.405, F.S.

Service Provider and Funding Source: This component relates assessment and evaluation. It is an integrated court function that facilitates enhanced service to the community and system efficiencies by providing information to the judge that can facilitate judicial decision-making. This service is provided by private attorneys in the community or the State of Florida Guardian ad Litem Program. If a community provider is used, the parents usually share the cost. If the court finds the parents are indigent, the court may request that the State of Florida Guardian ad Litem Program assign a volunteer guardian ad litem. Parents may be required to pay some costs associated with the use of the GAL program.



HIGH CONFLICT RESOLUTION PARENTING CLASSES

Description: This service provides intensive instructional and experiential learning activities for parents in a group setting. The series of classes, or sessions, are typically offered weekly, over a time period of six to eight weeks. Classes range from one to two hours in length. Whereas the four hour statutorily mandated parenting courses provide general information on various topics related to the experiences and emotional problems confronting families of divorce, the high conflict resolution classes explore these issues in depth. In addition, upon completion of the high conflict resolution classes, the parents will be able to develop their own parenting plans and will have skills to settle future disputes without outside assistance or court involvement.

When Used: Before, during or after custody proceedings.

How Used: Families may participate in the classes voluntarily or may be court ordered to attend. This service is not appropriate when there are allegations or findings of child abuse, spousal abuse or substance abuse problems.

Professional Standards: Ideally, the instructors are certified by a nationally or state recognized parent education program or hold a Masters Degree or higher in counseling, mental health, social work, psychology, or education and have two years experience in dealing with family and parenting issues, including experience in divorce related issues and experience in adult education.

Statute/Rule References: None.

Service Provider and Funding Source: This component relates to the oversight function, in the sense that courts may monitor compliance with its order to participate in the classes. While funds may not be provided through the court's state or local budgets, these services must be available in the community. Services are provided by qualified community providers or agencies. The parents usually share the cost, which maybe offered on a sliding fee scale. Services may be charged using a flat fee or by an hourly amount.

~~Issues: What oversight should the court have in terms of establishing minimum standards for these providers? Who would certify/monitor them? Is there any feedback from the court provider to the court regarding the family – other than verification of participation? If so, what guidelines would need to be established? Also, these courses can be expensive; state or local funds need to be available to assist low income parents with the cost.~~

Services Continuum



PARENTING COORDINATOR SERVICES

Description: A parenting coordinator is a specially trained professional who is a neutral third person and whose basic goal is to monitor and enforce court orders and ensure that parents in high conflict families have a workable parenting plan. The parenting coordinator determines the issues involved through interviews, reviews of existing information on the family (psychological evaluations, school records) and interviews with collateral sources. The process is not confidential, and parenting coordinators may communicate ex parte, access non-parties and interview the children. A parenting coordinator provides services that are child focused. Parenting coordinators may assist in creating visitation schedules, teach parenting skills and provide direct services to children (education and counseling). They may make recommendations to the court and report to the court. However, they are not custody evaluators and do not give opinions as to the ultimate issue of custody. The parenting coordinator helps the parents communicate more effectively and avoid conflict around child-related issues. The parenting coordinator mediates issues regarding the parenting plan and visitation issues when parents are unable to agree, and sometimes, is given the power to decide what the result should be.

When Used: The services of a parenting coordinator may be used before or after a final judgment. A parenting coordinator may be assigned months or years after a divorce if a family litigates parenting issues again.

How Used: The services are initiated by stipulation of parties or by court order. The parenting coordinator is typically involved with a family six months to one year. The judge may specifically define the role of the parenting coordinator.

Professional Standards: Parenting coordinators typically have a social science or mental health degree. Or, they are paraprofessionals with specialized training in conflict resolution, child development, family

dynamics. Ideally, a parenting coordinator is a licensed or license-eligible mental health professional who is also a state certified mediator in family law. The Association of Family, Court and Community Professionals has established a task force currently working on recommendations for standards for parenting coordinators.

Statute/Rule References: None.

Service Provider and Funding Source: This component relates to assessment, evaluation, and monitoring. It is an integrated court function that facilitates enhanced service to the community and system efficiencies by providing information to the judge in order to facilitate judicial decision-making and monitor compliance with judicial orders. This service is offered by community providers. The parents usually share the cost, which maybe offered on a sliding fee scale. Services may be charged using a flat fee or by an hourly amount.

Issues: 1) The employee model may not be recommended here because of their role in investigation and making reports and recommendations to the court.

2) May need to consider making recommendations similar to those for approving parenting course providers. 3) Unlike parenting courses, this service does not provide the low cost and efficiencies of scale that would make it affordable to low income parents. May want to consider making a requirement for funding through the court's budget for providing this service to parents who cannot afford to pay all or a portion of the costs.



SUPERVISED VISITATION

Description: Supervised visits are visits or access between children and their non-custodial parents that occur in the presence of an independent adult who will ensure that the children remain safe throughout the visit. In addition, the supervising adult may intervene to protect the safety of the custodial parent. These services may include video monitored visitation, telephone supervision, on-site or off-site supervision, exchange monitoring, therapeutic supervision (the combination of adult-child psychotherapy provided by a licensed mental health professional and the protective and/or supportive functions of supervised visitation), recording observations of visits, referrals to other services, sibling visitation for children who have been placed in separate homes, changeover transportation and changeover supervision. Some programs handle referrals only from dependency cases and others accept both dependency and family law cases. This service is an essential element of the model family court.

When Used: The services may be used at any point in the litigation if the judge is concerned with contact between children and noncustodial parent.

How Used: The services are court ordered.

Professional Standards: The Family Court Steering Committee has established minimum standards of operation for Florida's supervised visitation programs receiving judicial referrals. However, these standards are not intended to be best practice standards. The Supreme Court of Florida has requested that the legislature adopt meaningful standards. The Institute for Family Violence Studies in the Florida State University School of Social Work has a competency-based training curriculum for center staff and provides ongoing technical assistance.

Statute/Rule References: In Re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S287 (May 3, 2001) and 753, F.S.

Service Provider and Funding Source: This component relates to enforcement and oversight functions of the judicial branch. It is an integrated court function that facilitates enhanced service to the court and the community. This service is offered by community providers who have entered into agreements with the chief judge of the circuit. Many supervised visitation providers charge fees – usually paid by the parent whose visit is being supervised. Pursuant to the provider agreements, the judge often has discretion regarding the amount each party will pay or, if a parent is indigent, the fee may be waived.



PARENTAL CAPACITY EVALUATIONS

Description: A parental capacity evaluation examines one parent's style of parenting and attachment. The evaluation may contain information related to the parent's discipline skills, organizational skills, communication skills and empathic skills. The evaluation includes observations of parent-child interactions. Parental capacity evaluators prepare written reports for the court and may testify during proceedings.

When Used: The evaluations are used before the final custody determination is made. Or, the services may be used post-judgment when there is new litigation.

How Used: The parent agrees to the service or the evaluation is court ordered.

Professional Standards: Parental capacity evaluators are professionally trained licensed mental health providers.

Statute/Rule References: None.

Service Provider and Funding Source: This component relates to assessment and evaluation. Community providers offer this service. It is an integrated court function that facilitates enhanced service to the community and system efficiencies by providing information to the judge in order to facilitate judicial decision-making. This service is offered by community providers. The parent being evaluated pays the cost, which maybe offered on a sliding fee scale. Services may be charged using a flat fee or by an hourly amount. The cost of the service may be waived or reduced by the court.

Issues: 1) The employee model may not be recommended here because of their role in investigation and making reports and recommendations to the court.

2) May need to consider making recommendations similar to those for approving parenting course providers. 3) Unlike parenting courses, this service does not provide the low cost and efficiencies of scale that would make if affordable to low income parents. May want to consider making a requirement for funding through the court's budget for providing this service to parents who cannot afford to pay all or a portion of the costs.



CHILD CUSTODY EVALUATIONS

Description: A child custody evaluator is a specially trained professional who provides full or partial evaluations of both parties and all children. A custody evaluator is a neutral person. The evaluations focus on family relationships, parental capacities and the needs of children. The custody evaluator, through conducting interviews with the parents, the children, and collateral resources, provides the court with essential information about families. The evaluator's report and recommendations assist the judge in making important decisions regarding issues such as custody, shared parental responsibility, primary residency and visitation. This service is an essential element of the model family court.

When Used: The services are used before the final custody determination is made. Or, the services may be used months or years later when there is new parenting litigation.

How Used: The parties agree to the services or the services are sometimes court ordered. Attorneys can request the services. The length of services is determined by the individual needs of case.

Professional Standards: The Association for Family, Court and Community Professionals have published Model Standards of Practice for Child Custody Evaluation. The American Psychological Association has Guidelines for Child Custody Evaluations in Divorce Proceedings. Typically, custody evaluators are licensed or licensed-eligible mental health professionals who adhere to the code of ethics of their profession. Generally, the evaluators have specialized training in: impact of conflict on child and adult development and functioning, child interview techniques, custody evaluation protocols, domestic violence, child abuse and neglect, substance abuse, basic principles of child custody law and procedure, and child development.

Statute/Rule References: In Re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S287 (May 3, 2001) and 61.20, 61.13, F.S.

Service Provider and Funding Source: This component relates to assessment and evaluation. Community providers offer this service, charging a flat fee or hourly fees. Parties may share the cost or payment may be waived or reduced by the court.

Issues: 1) The employee model may not be recommended here because of their role in investigation and making reports and recommendations to the

court. 2) May need to consider making recommendations similar to those for approving parenting course providers. 3) Unlike parenting courses, this service does not provide the low cost and efficiencies of scale that would make it affordable to low income parents. May want to consider making a requirement for funding through the court's budget for providing this service to parents who cannot afford to pay all or a portion of the costs.



TREATMENT SERVICES FOR CHILDREN AND FAMILIES

Description: Treatment services for children and families include crisis intervention, evaluations and assessments, and group and individual therapy offered by private therapists or mental health centers. The services may include treatment related to substance abuse, domestic violence, abuse and neglect or treatment related to relieving the stress associated with high conflict in families. These services are an essential element of the model family court.

When Used: Before, during or after custody proceedings.

How Used: Families may participate in treatment voluntarily or treatment may be court ordered for the purpose of modifying behavior and minimizing the chance that the family will re-enter the court system with a parenting issue.

Professional Standards: Clinical services are provided by licensed mental health professionals or licensed-eligible professionals with specialized training and experience and who adhere to the code of ethics of their profession.

Statute/Rule References: In Re: Report of the Family Court Steering Committee, 26 Fla. L. Weekly S287 (May 3, 2001)

Service Provider and Funding Source: This component relates to the oversight function, in the sense that courts may monitor compliance with its order to participate in treatment or counseling. While funds may not be provided through the court's state or local budgets, these services must be available in the community and court referrals should enjoy a priority status. Services are provided by qualified community providers or agencies and the parents are billed based on a sliding fee scale or an hourly fee for service.

Issues: Regarding reporting to the court, there may be a need to clarify the confidentiality of the patient/provider relationship.
