

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 06-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 06-03**

**IN RE: PARENTING COORDINATION
IN FAMILY LAW CASES**

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

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; and

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 recommendation 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; and

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; and

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; and

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); and

WHEREAS, the adoption of the following provisions will provide for the proper administration of parenting coordination within this circuit;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, it is hereby **ORDERED**:

1. With the consent of the parties, 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 [Attachment A] 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. 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.
7. If the parties cannot agree on a parenting coordinator within 10 days, the Family Court Services will select 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 Florida Supreme Court Certified Family Mediator with Masters in Mental Health;
 - B. Three years of post licensure practice with 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;
 - C. Completion of a Florida Supreme Court Certified Family Mediation Course; and
 - D. Completion of a four hour 11th Circuit Court Specific Training Course.
8. 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 8(A) – 8(D) occur, and the court shall appoint a new parenting coordinator if the process is to continue.

9. 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.

10. 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.
- G. 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;
 - H. 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;
 - I. Identify to the court the need for a decision on a particular parenting issue but not recommend the specific resolution of the decision;
 - J. Communicate with the parents and their child(ren), separately or together, in person or by telephone; and
 - K. 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.

11. With the express 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 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.

12. 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:

- 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.

13. 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; 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.

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

15. 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 on the application for discharge.

16. 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.

This Order shall take effect on February 13, 2006 and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this _____ day of February, 2006.

**JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

ATTACHMENT "A"

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

FAMILY DIVISION

CASE NO. 2006-DR-

IN RE:

THE MARRIAGE OF

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 will be referred to Family Court Services for the designation of a parenting coordinator to this case. Family Court Services will inform the Court of the parenting coordinator designated.

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.

1.1 **Parenting Coordinator**, Whose name, address and phone number are:

Name: _____

Address: _____

Telephone: _____

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

Name: _____ Age: ___/___/___

Name: _____ Age: ___/___/___

Name: _____ Age: ___/___/___

Name: _____ Age: ___/___/___

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 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