

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

**CASE NO. 09-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 09-15
(Rescinding AO No. 06-03 and
amendments thereto)**

**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, 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,” as set forth in *In re Report of the Family Court Steering Committee (Family Courts IV)*, 794 So. 2d 518, 522 (Fla. 2001); 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 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; 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, in that parenting coordination provide a form of alternative dispute resolution that enhances the purposes of Chapter 61, Florida Statutes, the legislature enacted Section 61.125, Florida Statutes, to establish the procedures for the proper

administration of parenting coordination within the State of Florida, thereby obviating the need for the adoption of separate provisions for this Circuit ; and

WHEREAS, Section 61.125, Florida Statutes, became effective on October 1, 2009; and

WHEREAS, this Circuit has developed certain forms that are relevant to this Circuit that will assist with the effectuation of the provisions set forth in Section 61.125, Florida Statutes;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, of the Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. The provisions set forth Section 61.125, Florida Statutes, shall be followed in this Circuit regarding parenting coordination.
2. The following forms, attached hereto, are hereby adopted and shall be used in carrying out the provisions of Section 61.125, Florida Statutes:
 - a. Report Of General Magistrate On Motion For Referral To Parenting Coordinator.
 - b. Order Of Referral To Parenting Coordinator.

Further, Administrative Order No. 06-03, and all amendments thereto, are hereby rescinded in their entirety and held for naught.

This Administrative Order shall be effective as of October 1, 2009, nunc pro tunc, and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this _____ day of October, 2009.

JOEL H. BROWN, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

- There is no history of domestic violence.
- There has been a history of domestic violence, and:
- Each party has had an opportunity to consult with an attorney or domestic violence advocate before this court has accepted the parties' consent.
- Each party has consented to this referral and the consent has been given freely and voluntarily.

It is therefore, **ORDERED**:

1. **Parenting Coordinator.** The parties are referred to parenting coordination for an initial period of _____ months (not to exceed two years):

a. The parenting coordinator shall file a response to this Order within 30 days accepting or declining the appointment. The response to the appointment must be in substantial compliance with Form 12.984.

b. The parties or their attorneys must provide to the parenting coordinator copies of all pleadings and orders related to domestic violence and any other pleadings and orders requested by the parenting coordinator related to parenting coordination.

2. **Meetings.** Unless prohibited herein as a domestic violence safeguard or by another court order, the parenting coordinator may meet with the parties and/or child(dren) together or separately, in person or by any electronic means.

3. **Domestic Violence Safeguards.** The parties shall adhere to all provisions of any injunction for protection or conditions of bail, probation, or a sentence arising from criminal proceedings. In addition to any safety measures the parenting coordinator deems necessary, the following domestic violence safeguards must be implemented:

- None are necessary.
- No joint meetings.
- No direct negotiations.
- No direct communications.
- Other: _____

4. **Role, Responsibility, and Authority of Parenting Coordinator.** The parenting coordinator shall have the following role, responsibility, and authority:

- a. Assisting the parties in creating and implementing a parenting plan;
- b. Facilitating the resolution of disputes regarding the creation or implementation of the Parenting Plan;

- c. Recommending to parties strategies for creating or implementing the Parenting Plan. 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 and/or family counseling, if there is a history or evidence that such referrals are appropriate;
- d. Recommending to the parents changes to the Parenting Plan;
- e. Educating the parties 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 individually and/or 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. Facilitating the ability of both parents to maintain ongoing relationships with their children.
- g. Reporting or communicating with the court concerning non-confidential matters as provided in paragraph 7 of this order;
- h. Communicating with the parties and their child(ren), separately or together, in person or by telephone, unless otherwise prohibited by court order or applicable law. The parenting coordinator shall determine the schedule for subsequent appointments;
- i. Providing information to health care providers for the parents and the children, and to any third parties, when the parenting coordinator deems it is reasonably necessary.

5. **Scope of Authority.** The parenting coordinator shall make limited decisions within the scope of this order of referral. Limited decision making authority shall include, but may not be limited to:

6. **Fees and Costs for Parenting Coordination.**

a. The parties have consented to this referral to parenting coordination and have agreed that they have the present ability to pay parenting coordination fees.

The parties have consented to this referral to parenting coordination and the Court finds that: ___ petitioner ___ respondent ___ both parties has/have the present financial ability to pay parenting coordination fees.

This order is without the consent of the parties and the court has determined that: ___ petitioner ___ respondent ___ both parties has/have the financial ability to pay the parenting coordination fees and costs.

This order is with or without the consent of the parties, the court has found both parties to be indigent based upon the factors in Section 57.082, Florida Statutes, and Family Court Services will provide parenting coordination.

b. The court allocates payment of fees and costs for parenting coordination as follows:

_____ % shall be paid by the Father.

_____ % shall be paid by the Mother.

_____ No fees as Family court Services to provide parenting coordination

Other: _____

c. If a party has caused the parenting coordinator to expend an unreasonable and unnecessary amount of time, the Court may later determine that party will be solely responsible for payment of the parenting coordinator's fees and costs for such time expended or that the party shall reimburse the other party for the parenting coordinator's fees and costs paid by the other party for such time expended. Failure to pay the parenting coordinator's fees and costs in a timely manner may subject the party to sanctions for contempt of court.

d. The parenting coordinator shall not proceed until he/she is satisfied with the terms and conditions of payment for his/her services. Further, the parenting coordinator shall not perform nor continue to perform the parenting coordination services in this case unless all of his/her fees and costs are paid by the parties as ordered, and, in the event of nonpayment, the parenting coordinator shall file a Request for Status Conference, and the court will address the issue of non-payment of fees and costs.

7. **Confidentiality.** All communications made by, between, or among the parties and the parenting coordinator during parenting coordination sessions are confidential. The parenting coordinator and each party may not testify or offer evidence about communications made by a party or the parenting coordinator during the parenting coordination sessions, except if:

a. It is 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 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 is reporting 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 s. 61.125 (5)(b) or s. 61.125(8), Florida Statutes;

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 agree that the testimony or evidence be permitted; or

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

8. Agreement on Nonconfidentiality. The parties can agree to waive confidentiality of a specific communication or all communications. The waiver must be in writing, signed by the parties and their respective counsel. The waiver shall be filed with the court and a copy served on the parenting coordinator. Either party may revoke his or her waiver of confidentiality by providing written notice signed by the party. The revocation shall be filed with the court and a copy served on the other party and the parenting coordinator.

9. Withdrawal Procedure. With Court approval, the parenting coordinator may withdraw from the role of parenting coordinator. The parenting coordinator shall apply directly to the Court with a request to be discharged, and shall provide notice to the parties and their counsel of their request to withdrawal. Either party may seek to terminate the parenting coordinator's services by filing a motion with the Court. The parenting coordinator's services may not be terminated by either of the parties (or at the request of both parties) without order of this court.

10. **Reservation of Jurisdiction.** This Court specifically reserves jurisdiction to enforce and/or modify the terms and conditions of this Order.

DONE AND ORDERED in _____ County, Florida, on this _____ day of _____, 2009.

, Circuit Judge

Copies to:

Name of Party:
Counsel for Party
Address of Counsel

Name of Party:
Counsel for Party
Address of Counsel

Guardian ad Litem
Address of GAL

E. **History of Domestic Violence.** Based upon testimony and evidence presented and a review of related court records, the court has determined:

- There is no history of domestic violence.
- There has been a history of domestic violence, and:
 - Each party has had an opportunity to consult with an attorney or domestic violence advocate before this court has accepted the parties' consent.
 - Each party has consented to this referral and the consent has been given freely and voluntarily.

Therefore:

1. **Parenting Coordinator.** The parties are referred to parenting coordination for an initial period of _____ months (not to exceed two years):

a. The parenting coordinator shall file a response to this Order within 30 days accepting or declining the appointment. The response to the appointment must be in substantial compliance with Form 12.984.

b. The parties or their attorneys must provide to the parenting coordinator copies of all pleadings and orders related to domestic violence and any other pleadings and orders requested by the parenting coordinator related to parenting coordination.

2. **Meetings.** Unless prohibited herein as a domestic violence safeguard or by another court order, the parenting coordinator may meet with the parties and/or child(dren) together or separately, in person or by any electronic means.

3. **Domestic Violence Safeguards.** The parties shall adhere to all provisions of any injunction for protection or conditions of bail, probation, or a sentence arising from criminal proceedings. In addition to any safety measures the parenting coordinator deems necessary, the following domestic violence safeguards must be implemented:

- None are necessary.
- No joint meetings.
- No direct negotiations.
- No direct communications.
- Other: _____

4. **Role, Responsibility, and Authority of Parenting Coordinator.** The parenting coordinator shall have the following role, responsibility, and authority:

- a. Assisting the parties in creating and implementing a parenting plan;

b. Facilitating the resolution of disputes regarding the creation or implementation of the Parenting Plan;

c. Recommending to parties strategies for creating or implementing the Parenting Plan. 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 and/or family counseling, if there is a history or evidence that such referrals are appropriate;

d. Recommending to the parents changes to the Parenting Plan;

e. Educating the parties 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 individually and/or 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. Facilitating the ability of both parents to maintain ongoing relationships with their children.

g. Reporting or communicating with the court concerning non-confidential matters as provided in paragraph 7 of this order;

h. Communicating with the parties and their child(ren), separately or together, in person or by telephone, unless otherwise prohibited by court order or applicable law. The parenting coordinator shall determine the schedule for subsequent appointments;

i. Providing information to health care providers for the parents and the children, and to any third parties, when the parenting coordinator deems it is reasonably necessary.

5. **Scope of Authority.** The parenting coordinator shall make limited decisions within the scope of this order of referral. Limited decision making authority shall include, but may not be limited to:

6. Fees and Costs for Parenting Coordination.

a. The parties have consented to this referral to parenting coordination and have agreed that they have the present ability to pay parenting coordination fees.

The parties have consented to this referral to parenting coordination and the Court finds that: ___ petitioner ___ respondent ___ both parties has/have the present financial ability to pay parenting coordination fees.

This order is without the consent of the parties and the court has determined that: ___ petitioner ___ respondent ___ both parties has/have the financial ability to pay the parenting coordination fees and costs.

This order is with or without the consent of the parties, the court has found both parties to be indigent based upon the factors in Section 57.082, Florida Statutes, and Family Court Services will provide parenting coordination.

b. The court allocates payment of fees and costs for parenting coordination as follows:

_____ % shall be paid by the Father.

_____ % shall be paid by the Mother.

_____ No fees as Family Court Services to provide parenting coordination

Other: _____

c. If a party has caused the parenting coordinator to expend an unreasonable and unnecessary amount of time, the Court may later determine that party will be solely responsible for payment of the parenting coordinator's fees and costs for such time expended or that the party shall reimburse the other party for the parenting coordinator's fees and costs paid by the other party for such time expended. Failure to pay the parenting coordinator's fees and costs in a timely manner may subject the party to sanctions for contempt of court.

d. The parenting coordinator shall not proceed until he/she is satisfied with the terms and conditions of payment for his/her services. Further, the parenting coordinator shall not perform nor continue to perform the parenting coordination services in this case unless all of his/her fees and costs are paid by the parties as ordered, and, in the event of nonpayment, the parenting coordinator shall file a Request for Status Conference, and the court will address the issue of non-payment of fees and costs.

7. Confidentiality. All communications made by, between, or among the parties and the parenting coordinator during parenting coordination sessions are confidential. The parenting coordinator and each party may not testify or offer evidence about communications made by a party or the parenting coordinator during the parenting coordination sessions, except if:

a. It is 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 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 is reporting 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 s. 61.125 (5)(b) or s. 61.125(8), Florida Statutes;

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 agree that the testimony or evidence be permitted; or

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

8. Agreement on Nonconfidentiality. The parties can agree to waive confidentiality of a specific communication or all communications. The waiver must be in writing, signed by the parties and their respective counsel. The waiver shall be filed with the court and a copy served on the parenting coordinator. Either party may revoke his or her waiver of confidentiality by providing written notice signed by the party. The revocation shall be filed with the court and a copy served on the other party and the parenting coordinator.

9. Withdrawal Procedure. With Court approval, the parenting coordinator may withdraw from the role of parenting coordinator. The parenting coordinator shall apply directly to the Court with a request to be discharged, and shall provide notice to the parties and their counsel of their request to withdrawal. Either party may seek to terminate the parenting coordinator's services by filing a motion with the Court. The parenting coordinator's services may not be terminated by either of the parties (or at the request of both parties) without order of this court.

10. **Reservation of Jurisdiction.** The Court shall have specific reserved jurisdiction to enforce and/or modify the terms and conditions of the Order on this Report.

WHEREFORE, the undersigned General Magistrate files this Report with the Office of the Clerk of the Court and recommends the entry of an order approving this Report.

Dated at Miami-Dade County, Florida on this _____ day of _____, 20_____.

, General Magistrate

Copies to:

Name of Party:
Counsel for Party
Address of Counsel

Name of Party:
Counsel for Party
Address of Counsel

Guardian ad Litem