

Rules for Qualified and Court-Appointed Parenting Coordinators

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CITATIONS TO OPINIONS ADOPTING OR AMENDING RULES

ORIGINAL ADOPTION, effective 7-3-14:39 FLW S470.

OTHER OPINIONS:

NOTE TO USERS: Rules are current through 39 FLW S470. Subsequent amendments, if any, can be found at www.floridasupremecourt.org/decisions/rules.shtml.

Part I. STANDARDS

RULE 15.000. APPLICABILITY OF STANDARDS

These standards apply to all qualified parenting coordinators and court-appointed parenting coordinators. A qualified parenting coordinator is anyone who is qualified to serve as a parenting coordinator pursuant to the parenting coordination section of Chapter 61, Florida Statutes, and has been approved by the court to serve as a qualified parenting coordinator or to be on a qualified parenting coordination panel for any circuit.

RULE 15.010. PARENTING COORDINATION DEFINED

Parenting coordination is a child-focused alternative dispute resolution process whereby a parenting coordinator assists the parents in creating or implementing a parenting plan by facilitating the resolution of disputes between the parents by providing education, making recommendations, and, with the prior approval of the parents and the court, making limited decisions within the scope of the court's order of referral. For the purposes of these standards, "parent" refers to the child's mother, father, legal guardian, or other person who is acting as a parent and guardian.

RULE 15.020. PARENTING COORDINATION CONCEPTS

Parenting coordination is a child-focused alternative dispute resolution process that emphasizes the needs and interests of children, parents and families. It is based on the concepts of communication, education, negotiation, facilitation, and problem-solving. The role of a parenting coordinator includes the integration of skills and core knowledge drawn primarily from the areas of mental health, law, and conflict resolution.

RULE 15.030. COMPETENCE

(a) Professional Competence. Parenting coordinators shall acquire and maintain professional competence in parenting coordination. A parenting coordinator shall regularly participate in educational activities promoting professional growth.

(b) **Circumstances Affecting Role.** Parenting coordinators shall withdraw from the parenting coordination role if circumstances arise which impair the parenting coordinators' competency.

(c) **Skill and Experience.** A parenting coordinator shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the parenting coordinator's skill or experience.

(d) **Knowledge.** A parenting coordinator shall maintain knowledge of all current statutes, court rules, local court rules, and court and administrative orders relevant to the parenting coordination process.

RULE 15.040. INTEGRITY

(a) **Avoiding Dual Relationships.** A parenting coordinator shall not accept the role of parenting coordinator if there has been a prior personal, professional or business relationship with the parties or their family members. A parenting coordinator shall not enter into a personal, professional or business relationship with the parties or their family members during the parenting coordination process or for a reasonable time after the parenting coordination process has concluded.

(b) **Respect for Diversity.** Parenting coordinators shall not allow their personal values, morals, or religious beliefs to undermine or influence the parenting coordination process or their efforts to assist the parents and children. If the parenting coordinator has personal, moral, or religious beliefs that will interfere with the process or the parenting coordinator's respect for persons involved in the parenting coordination process, the parenting coordinator shall decline the appointment or withdraw from the process.

(c) **Inappropriate Activity.** Parenting coordinators shall not engage in any form of harassment or exploitation of parents, children, students, trainees, supervisees, employees, or colleagues.

(d) **Misrepresentation.** A parenting coordinator shall not intentionally or knowingly misrepresent any material fact or circumstance in the course of conducting a parenting coordination process.

(e) **Demeanor.** A parenting coordinator shall be patient, dignified, and courteous during the parenting coordination process.

(f) Maintaining Integrity. A parenting coordinator shall not accept any engagement, provide any service, or perform any act that would compromise the parenting coordinator's integrity.

(g) Avoiding Coercion. A parenting coordinator shall not unfairly influence the parties as a means to achieve a desired result.

Committee Notes

Any sexual relationship between a parenting coordinator and a party or a party's family member is a form of exploitation and creates a dual relationship and therefore would be considered a violation of these standards.

A parenting coordinator may at times direct a party's conduct. An example is when a parenting coordinator encourages compliance with a parenting plan by pointing out possible consequences of a party's course of action. However, the means to direct behavior should not include unfairly influencing the parties. Examples of unfairly influencing the parties include lying to the parties or exaggerating the parenting coordinator's power to influence the court.

RULE 15.050. ADVICE, RECOMMENDATIONS, AND INFORMATION

(a) Informing Parties of Risks. Prior to a parenting coordinator making substantive recommendations to the parties regarding timesharing and parental responsibilities, the parenting coordinator should inform the parties of the inherent risk of making substantive recommendations without adequate data.

(b) Right to Independent Counsel. When a parenting coordinator believes a party does not understand or appreciate the party's legal rights or obligations, the parenting coordinator shall advise the party of the right to seek independent legal counsel.

RULE 15.060. IMPARTIALITY

(a) Freedom from Favoritism and Bias. A parenting coordinator shall conduct the parenting coordination process in an impartial manner. Impartiality means freedom from favoritism or bias in word, action, and appearance.

(b) Disclosure. A parenting coordinator shall advise all parties of circumstances which may impact impartiality including but not limited to potential conflicts of interest bearing on possible bias, prejudice, or impartiality.

(c) Influence. A parenting coordinator shall not be influenced by outside pressure, bias, fear of criticism, or self-interest.

(d) **Gifts.** A parenting coordinator shall not give, accept or request a gift, favor, loan, or other item of value to or from a party, attorney, or any other person involved in and arising from any parenting coordination process.

(e) **Prohibited Relationships.** After accepting appointment, and for a reasonable period of time after the parenting coordination process has concluded, a parenting coordinator shall avoid entering into family, business, or personal relationships which could affect impartiality or give the appearance of partiality, bias, or influence.

(f) **Withdrawal.** A parenting coordinator shall withdraw from a parenting coordination process if the parenting coordinator can no longer be impartial.

RULE 15.070. CONFLICTS OF INTEREST

(a) **Generally.** A parenting coordinator shall not serve as a parenting coordinator in a matter that presents a clear or undisclosed conflict of interest. A conflict of interest arises when any relationship between the parenting coordinator and the parenting coordination participants or the subject matter of the dispute compromises or appears to compromise the parenting coordinator's impartiality.

(b) **Disclosure.** The burden of disclosure rests on the parenting coordinator. All such disclosures shall be made as soon as practical after the parenting coordinator becomes aware of the interest or relationship. After appropriate disclosure, the parenting coordinator may serve if all parties agree. However, if a conflict of interest clearly impairs a parenting coordinator's impartiality, the parenting coordinator shall withdraw regardless of the express agreement of the parties.

(c) **Solicitation Prohibited.** A parenting coordinator shall not use the parenting coordination process to solicit, encourage, or otherwise incur future professional services with any party.

Committee Notes

The parenting coordination process may take place over a long period of time. Therefore, the parenting coordinator may initially accept an appointment where a potential conflict does not exist, but arises during the course of the parenting coordination process.

The disclosure requirements in this subdivision do not abrogate subdivision 15.040 (a) which prohibits a parenting coordinator from accepting the role of parenting coordinator if there has been a prior personal, professional or business relationship with the parties' or their family members. It is intended to address situations in

which the conflict arises after the acceptance of appointment and encourage the timely disclosure to the parties.

RULE 15.080. SCHEDULING THE PARENTING COORDINATION PROCESS

A parenting coordinator shall schedule parenting coordination sessions in a manner that provides adequate time for the process. A parenting coordinator shall perform parenting coordination services in a timely fashion, avoiding delays whenever possible.

RULE 15.090. COMPLIANCE WITH AUTHORITY

A parenting coordinator shall comply with all statutes, court rules, local court rules, and court and administrative orders relevant to the parenting coordination process.

RULE 15.100. IMPROPER INFLUENCE

A parenting coordinator shall refrain from any activity that has the appearance of improperly influencing a court to secure an appointment to a case.

RULE 15.110. MARKETING PRACTICES

(a) False or Misleading Marketing Practices. A parenting coordinator shall not engage in any marketing practice, including advertising, which contains false or misleading information. A parenting coordinator shall ensure that any marketing of the parenting coordinator's qualifications, services to be rendered, or the parenting coordination process is accurate and honest.

(b) Qualification. Any marketing practice in which a parenting coordinator indicates that such parenting coordinator is "qualified" is misleading unless the parenting coordinator indicates the Florida judicial circuits in which the parenting coordinator has been qualified.

(c) Prior Adjudicative Experience. Any marketing practice is misleading if the parenting coordinator states or implies that prior adjudicative experience, including, but not limited to, service as a judge, magistrate, or administrative hearing officer, makes one a better or more qualified parenting coordinator.

(d) Prohibited Claims or Promises. A parenting coordinator shall not make claims of achieving specific outcomes or promises implying favoritism for the purpose of obtaining business.

(e) Additional Prohibited Marketing Practices. A parenting coordinator shall not engage in any marketing practice that diminishes the importance of a party's right to self-determination or the impartiality of the parenting coordinator, or that demeans the dignity of the parenting coordination process or the judicial system.

Committee Note

The roles of a parenting coordinator and an adjudicator are fundamentally distinct. The integrity of the judicial system may be impugned when the prestige of the judicial office is used for commercial purposes. When engaging in any parenting coordinator marketing practice, a former adjudicative officer should not lend the prestige of the judicial office to advance private interests in a manner inconsistent with this rule. For example, the depiction of a parenting coordinator in judicial robes or use of the word "judge" with or without modifiers to the parenting coordinator's name would be inappropriate. However, an accurate representation of the parenting coordinator's judicial experience would not be inappropriate.

RULE 15.120. CONCURRENT STANDARDS

Other ethical standards to which a parenting coordinator may be professionally bound are not abrogated by these rules. In the course of performing parenting coordination services, however, these rules prevail over any conflicting ethical standards to which a parenting coordinator may otherwise be bound.

RULE 15.130. RELATIONSHIP WITH OTHER PROFESSIONALS

A parenting coordinator shall respect the role of other professional disciplines in the parenting coordination process and shall promote cooperation between parenting coordinators and other professionals.

RULE 15.140. CONFIDENTIALITY

(a) Preservation of Confidentiality. A parenting coordinator shall maintain confidentiality of all communications made by, between, or among the parties and the parenting coordinator except when disclosure is required or permitted by law or court order. The parenting coordinator shall maintain confidentiality of all records developed or obtained during the parenting coordination process in accordance with law or court order.

(b) **Use of Materials for Educational Purposes.** A parenting coordinator shall not disclose the identity of the parents, children, or other persons involved in the parenting coordination process when information is used in teaching, writing, consulting, research, and public presentations.

(c) **Record Keeping.** A parenting coordinator shall maintain privacy in the storage and disposal of records and shall not disclose any identifying information when materials are used for research, training, or statistical compilations.

RULE 15.150. NOTICE AND INITIAL SESSION

(a) **Notice of Fees.** Prior to an initial meeting with the parties in a parenting coordination session, the parenting coordinator shall provide written notice of all fees, costs, methods of payment and collection.

(b) **Initial Session.** At the initial session a parenting coordinator shall, in person, describe the terms of the Order of Referral, if any, and inform the participants in writing of the following:

(1) the parenting coordination process, the role of the parenting coordinator and the prohibition against dual roles;

(2) parenting coordination is an alternative dispute resolution process wherein a parenting coordinator assists parents in creating or implementing a parenting plan;

(3) the parenting coordinator may provide education and make recommendations to the parties, and, with prior approval of the parents and the court, make non-substantive decisions;

(4) communications made during the parenting coordination session are confidential, except where disclosure is required or permitted by law;

(5) all fees, costs, methods of payment, and collections related to the parenting coordination process;

(6) the court's role in overseeing the parenting coordination process, including a party's right to seek court intervention;

(7) the party's right to seek legal advice; and

(8) the extent to which parties are required to participate in the parenting coordination process.

RULE 15.160. FEES AND COSTS

A parenting coordinator holds a position of trust. Fees shall be reasonable and be guided by the following general principles:

(a) **Changes in Fees, Costs, or Payments.** Once services have begun, parenting coordinators shall provide advance written notice of any changes in fees or other charges.

(b) **Maintenance of Financial Records.** Parenting coordinators shall maintain the records necessary to support charges for services and expenses, and, upon request, shall make an accounting to the parents, their counsel, or the court.

(c) **Equitable Service.** Parenting coordinators shall provide the same quality of service to all parties regardless of the amount of each party's financial contribution.

(d) **Basis for Charges.** Charges for parenting coordination services based on time shall not exceed actual time spent or allocated.

(e) **Costs.** Charges for costs shall be for those actually incurred.

(f) **Expenses.** When time or expenses involve two or more parenting coordination processes on the same day or trip, the time and expense charges shall be prorated appropriately.

(g) **Written Explanation of Fees.** A parenting coordinator shall give the parties and their counsel a written explanation of any fees and costs prior to the parenting coordination process. The explanation shall include the:

(1) basis for and amount of any charges for services to be rendered, including minimum fees and travel time;

(2) amount charged for the postponement or cancellation of parenting coordination sessions and the circumstances under which such charges will be assessed or waived;

(3) basis and amount of charges for any other items; and

(4) parties' pro rata share of the parenting coordinator's fees and costs if previously determined by the court or agreed to by the parties.

(h) Maintenance of Records. A parenting coordinator shall maintain records necessary to support charges for services and expenses and, upon request, shall make an accounting to the parties, their counsel, or the court.

(i) Remuneration for Referrals. No commissions, rebates, or similar remuneration shall be given or received by a parenting coordinator for a parenting coordination referral.

(j) Contingency Fees Prohibited. A parenting coordinator shall not charge a contingent fee or base a fee on the outcome of the process.

RULE 15.170. RECORDS

(a) Documentation of Parenting Coordination Process. Parenting coordinators shall maintain all information and documents related to the parenting coordination process.

(b) Record Retention. Parenting coordinators shall maintain confidentiality and comply with applicable law when storing and disposing of parenting coordination records.

(c) Relocation or Closing the Parenting Coordination Practice. A parenting coordinator shall provide public notice of intent to relocate or close his or her practice. The notification shall include instructions on how parties' may obtain a copy of their records or arrange for their records to be transferred.

RULE 15.180. SAFETY, CAPACITY, AND PROTECTION

(a) Monitoring. Parenting coordinators shall monitor the process for domestic violence, substance abuse, or mental health issues and take appropriate action to address any safety concerns.

(b) Injunctions for Protection. Parenting coordinators shall honor the terms of all active injunctions for protection and shall not seek to modify the terms of an injunction.

(c) **Terminating Process Based on Safety Concerns.** Parenting coordinators shall suspend the process and notify the court when the parenting coordinator determines it is unsafe to continue.

(d) **Adjournment or Termination.** A parenting coordinator shall adjourn or terminate a parenting coordination process if any party is incapable of participating meaningfully in the process.

RULE 15.190. EDUCATION AND TRAINING

Parenting coordinators shall comply with any statutory, rule or court requirements relative to qualifications, training, and education.

RULE 15.200. RESPONSIBILITY TO THE COURTS

(a) **Candid with Referring Court.** Parenting coordinators shall be candid, accurate, and responsive to the court concerning the parenting coordinators' qualifications, availability and other administrative matters.

(b) **Providing Information to the Court.** When parenting coordinators provide information to the court, parenting coordinators shall do so in a manner that is consistent with court rules and statutes. Parenting coordinators shall notify the referring court when the court orders conflict with the parenting coordinator's professional ethical responsibilities. Parenting coordinators shall notify the court when it is appropriate to terminate the process. A parenting coordinator shall be candid, accurate, and fully responsive to the court concerning the parenting coordinator's qualifications, availability, and other administrative matters.

Part II. DISCIPLINE

RULE 15.210. PROCEDURE

Any complaint alleging violations of the Rules For Qualified And Court-Appointed Parenting Coordinators, Part I: STANDARDS, shall be filed with the Dispute Resolution Center which shall be responsible for enforcing these Standards.