

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

Petitioner(s),

CASE NUMBER:

v.

SECTION:

Respondent(s).

_____ /

**REPORT OF GENERAL MAGISTRATE ON
MOTION FOR REFERRAL TO PARENTING COORDINATOR**

The above cause came before the undersigned General Magistrate on this _____ day of _____, _____, upon the (☐) joint motion of the parties, (☐) motion of a party, pursuant to the Order of Referral that was entered by the Court on _____, 20____. No objections were filed or made to the Magistrate hearing this cause pursuant to *Fla. Fam. L.R.P. 12.490 (b)(1)*. Both parties appeared and the Magistrate having heard sworn testimony, observed the parties' demeanor, and being otherwise fully advised in the premises, makes the following **findings of fact and conclusions of law:**

A. 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.

B. Parenting Coordinator.

A parenting coordinator is an impartial third party whose role is to assist the parents in successfully creating or implementing a parenting plan. The parenting coordinator shall not function as the attorney, advocate, investigator, case manager, therapist, or an evaluator for the parties, the parties' child(ren), or family.

C. Selection of Parenting Coordinator.

The parenting coordinator shall be selected as follows (check one):

☐ By agreement of the parties, and the parties are referred to:

☐ By the Court, and the parties are referred to:

☐ Through Family Court Services.

The parties are ordered to contact Family Court Services within (10) business days of the date of this Order. The parties may agree upon a parenting coordinator from the approved roster, or Family Court Services shall designate a parenting coordinator for the parties.

Family Court Services – Contact Information

175 N.W. 1st Avenue, Suite 1503, Miami, Florida 33128

Phone: (305) 349-5508 • Fax: (305) 349-5634

Email: FCSRequest@jud11.flcourts.org

Online Registration Portal: <https://fcsportal.jud11.flcourts.org/>

D. History of Domestic Violence.

Based on testimony and evidence presented and a review of related court records, the court has determined:

[Choose **all** that apply]

☐ There is no history of domestic violence.

☐ There has been a history of domestic violence, and:

1. ☐ Each party has had an opportunity to consult with an attorney or domestic violence advocate before this court has accepted the parties' consent; and
2. ☐ Each party has consented to this referral and the consent has been given freely and voluntarily.

It is therefore, **ORDERED**:

1. Qualified 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 either accepting or declining the appointment. The response to the appointment must be in substantial compliance with Florida Family Law Rules of Procedure Form 12.984(b).
- 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(ren) 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:

[Choose **all** that apply]

- ☐ 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 the parents 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 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. Reporting or communicating with the court concerning nonconfidential matters as provided in paragraph 9 of this Order. In the event the parenting coordinator is unable to adequately perform the duties in accordance with the court's direction, the parenting coordinator shall file a written request for a status conference and the court shall set a timely status hearing. The request for status conference must be in substantial compliance with Florida Family Law Rules of Procedure Form 12.984(d). A report to the court of an emergency pursuant to section 61.125(8), Florida Statutes, must be in substantial compliance with Florida Family Law Rules of Procedure Form 12.984(c).
- g. 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.

5. Fees and Costs for Parenting Coordination.

[Choose **all** that apply]

- a. ☐ The parties have consented to this referral to parenting coordination.
- ☐ This order is without the consent of the parties, but the court has determined that the parties have the financial ability to pay the parenting coordination fees and costs.
- b. ☐ The court allocates payment of fees and costs for parenting coordination as follows:

Hourly rate of compensation shall not exceed \$ _____, unless the parties otherwise agree.
 _____ % shall be paid by the Father.

% shall be paid by the Mother.
☐ Other:

- c. If a party causes the parenting coordinator to expend an unreasonable and unnecessary amount of time, that party may be held solely responsible for payment of the parenting coordinator's fees and costs for such time expended. The court reserves jurisdiction to reallocate the payment of fees and costs in that event. 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.

6. Rules of Engagement.

- a. **The attorneys and parties shall communicate with the parenting coordinator in a timely and respectful manner in all oral (whether in person or virtual), written, and electronic communication.**
- b. **The attorneys and parties shall not request documentation and/or information from the professional beyond the scope of the parenting coordinator's role.**
- c. **Attorneys and parties shall not engage in excessive communication or requests with the parenting coordinator.**
- d. **Attorneys shall be responsible for explaining the Order and Rules of Engagement to their clients.**
- e. **The parenting coordinator has a right to bring any concerns regarding the Rules of Engagement to this Court and request a Case Management Conference, including excessive communication by any party or any failure to adhere to the rules.**
- f. **A violation of any of the above rules may result in the court imposing sanctions against the offending party, the offending party's attorney, or both, as provided by Florida law.**

7. Waiver.

The parenting coordinator is hereby authorized to receive related information without written or verbal authorization from any third-party mental health professional including, but not limited to, both current or immediate past reunification/alienation therapists, children's therapists, parties' individual therapists, family therapists, psychologists, psychiatrists, treating the parties and/or child(ren) solely for the purpose of furthering their respective role as a parenting coordinator.

8. 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. 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 this Order of Referral to Parenting Coordinator, 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 reports that the case is no longer appropriate for parenting coordination.
- e. The parenting coordinator reports 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 section 61.125(5)(b) or section 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.
- 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.

9. 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 their 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.

10. 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.

11. Reservation of Jurisdiction.

This court specifically reserves jurisdiction to enforce and/or modify the terms and conditions of this Order of Referral.

The parties have been advised of their right to file objections to the General Magistrate's Report and Recommended Order.

_____ Both parties waive their right to file objections to the Report and Recommendations of the General Magistrate and agree that the Order shall be submitted immediately to the Circuit Judge for signature without a ten (10) day waiting period.

_____ One or both parties did not waive their right to file objections to the Report and Recommendations of the General Magistrate. Any party may serve exceptions to the report within ten (10) days from the date of service of same. The party filing exceptions will be required to provide the Court with a record sufficient to support the exceptions or the exceptions will be denied. A record ordinarily includes a written transcript of all relevant proceedings. The party seeking review must have the transcript prepared if necessary for the Court's review. If no exceptions are filed within that time period, the Court shall take appropriate action on the Report. If exceptions are timely filed, they shall be heard on reasonable notice by either party or the Court. *Rule 12.490(f), Fla. Fam. L.R.P.* **The party filing exceptions is required to send copies of the exceptions directly to the Judge assigned to this case, as well as to the undersigned Magistrate.**

FOUND AND RECOMMENDED at _____, _____ County, Florida, this _____ day of _____, _____.

General Magistrate

Copies to:

- ☐ Family Court Services
- ☐ Petitioner
- ☐ Petitioner's Counsel
- ☐ Respondent
- ☐ Respondent's Counsel
- ☐ Guardian ad Litem