

SECOND REGULAR SESSION

HOUSE BILL NO. 1820

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HARRIS.

4566L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 452, RSMo, by adding thereto four new sections relating to parenting coordination.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 452, RSMo, is amended by adding thereto four new sections, to be known as sections 452.432, 452.434, 452.436, and 452.438, to read as follows:

452.432. As used in sections 452.432 to 452.438, the following terms shall mean:

(1) "High conflict case", any action for dissolution of marriage, legal separation, paternity, guardianship, or modification where minor children are involved and the parties demonstrate a pattern of ongoing:

(a) Litigation;

(b) Inability to comply with parenting agreements and orders;

(c) Difficulty in communicating about and cooperating in the care of their children;

or

(d) Other conditions that in the discretion of the court warrant the appointment of a parenting coordinator;

(2) "Parenting coordination", a child-focused dispute resolution process in which a qualified parenting coordinator assists parents or persons exercising parental authority to implement a parenting plan by facilitating a resolution of their disputes in a timely manner and by reducing the child-related conflict so that the children may be protected from the impact of that conflict;

(3) "Parenting coordinator", an impartial third party qualified under subsection 2 of section 452.438 appointed by the court to assist parties in promoting the best interests

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 of the children by resolving issues and deciding disputed issues under sections 452.432 to
19 452.438 relating to parenting and other family issues in any action for dissolution of
20 marriage, legal separation, paternity, guardianship, or modification where minor children
21 are involved.

452.434. 1. At any time after the entry of an order concerning parental
2 responsibilities and upon notice to the parties, the court may, upon an agreement of the
3 parties, appoint a parenting coordinator as a neutral third party to assist in the resolution
4 of disputes between the parties concerning parental responsibilities, including but not
5 limited to implementation of the court-ordered parenting plan. The parenting coordinator
6 shall be an individual with appropriate training and qualifications acceptable to the court.

7 2. Prior to appointing a parenting coordinator, the court shall consider the effect
8 of any evidence of domestic violence on the appropriateness of parenting coordination for
9 the parties and the minor children. If there is a judgment or order regarding the
10 confidentiality of address or telephone information of a party, the parenting coordinator
11 shall maintain such confidentiality.

12 3. A parenting coordinator shall assist the parties in implementing the terms of the
13 parenting plan. The duties of a parenting coordinator shall include, but are not limited to,
14 the following:

15 (1) Assisting the parties in creating an agreed-upon structured guideline for
16 implementation of the parenting plan;

17 (2) Developing guidelines for communication between the parties and suggesting
18 appropriate resources to assist the parties in learning appropriate communication skills;

19 (3) Informing the parties about appropriate resources to assist them in developing
20 improved parenting skills;

21 (4) Assisting the parties in realistically identifying the sources and causes of conflict
22 between them, including but not limited to identifying each party's contribution to the
23 conflict, when appropriate; and

24 (5) Assisting the parties in developing parenting strategies to minimize conflict.

25 4. (1) The court shall grant to the parenting coordinator authority to resolve
26 disputes between the parties as to implementation or clarification of existing orders
27 concerning the parties' minor or dependent children, including but not limited to disputes
28 concerning parenting time and specific parental decisions. A parenting coordinator shall
29 have the authority to make determinations to implement or clarify provisions of a
30 preexisting court order in a manner that is consistent with the terms of the court order.
31 The parenting coordinator's authority is subject to a party's right to file an objection under
32 section 452.436.

33 (2) The parenting coordinator shall not make any modification to any order,
34 judgment, or decree; except that, the parenting coordinator may make temporary
35 departures from a parenting plan. The appointment order shall specify those matters
36 which the parenting coordinator is authorized to determine. However, the appointment
37 of a parenting coordinator shall not divest the court of its exclusive jurisdiction to
38 determine fundamental issues of custody, visitation, and support, and the authority to
39 exercise management and control of the case.

40 5. A parenting coordinator shall not have served in any capacity with the parties
41 except as a mediator, and once appointed as a parenting coordinator, shall not later serve
42 in any capacity related to family disputes except as a mediator, with the agreement of the
43 parties, in order to address matters outside the scope of his or her authority as a parenting
44 coordinator.

45 6. A court order appointing a parenting coordinator shall be for a specified term;
46 except that the court order shall not appoint a parenting coordinator for a period of longer
47 than two years. If an order fails to specify the length of the court-ordered appointment,
48 it shall be considered to be two years from the date of appointment. Upon agreement of
49 the parties, the court may extend, modify, or terminate the appointment, including
50 extending the appointment beyond two years from the date of the original appointment.
51 The court may terminate the appointment of the parenting coordinator at any time. The
52 court shall allow the parenting coordinator to withdraw at any time.

53 7. (1) No parenting coordinator shall be appointed unless the court finds that the
54 parties have the means to pay the fees of the parenting coordinator.

55 (2) The state of Missouri shall assume no financial responsibility for payment of
56 fees to the parenting coordinator; except that, the court, if feasible, may:

57 (a) Appoint a parenting coordinator to serve on a volunteer basis, with the consent
58 of the parenting coordinator; or

59 (b) Subsidize the fees of a parenting coordinator from other authorized court fees,
60 grants, or other similar funds received by the court.

61 (3) The court shall allocate fees for parenting coordination between the parties,
62 taking into consideration relevant factors, including but not limited to the relative post-
63 judgment incomes of the parties.

64 (4) The court may allocate the fees between the parties differently upon a finding
65 of good cause by the court or good cause set forth in the parenting coordinator's report.

66 8. In a judicial proceeding, administrative proceeding, or other similar proceeding
67 between the parties to the action, a parenting coordinator shall not be competent to testify
68 about the parenting coordination process and shall not be required to produce records as

69 to any statement, conduct, or decision that occurred during the parenting coordinator's
70 appointment. Nothing in this subsection shall be construed to prohibit a parenting
71 coordinator from testifying or producing records to the extent testimony or production of
72 records by the parenting coordinator is necessary in an action by the parenting coordinator
73 to collect fees from a party to the action.

74 9. (1) A parenting coordinator shall be immune from liability in any claim by the
75 parties or children subject to the order for parenting coordination for injury that arises
76 out of a decision of the parenting coordinator occurring during the performance of his or
77 her duties or during the performance of an act that the parenting coordinator reasonably
78 believed was within the scope of his or her duties unless the act or omission causing such
79 injury was willful and wanton.

80 (2) Nothing in this subsection shall be construed to bar a party from asserting a
81 claim related to the reasonableness or accuracy of any fee charged or time billed by a
82 parenting coordinator.

452.436. 1. A written report of the decisions and recommendations made by the
2 parenting coordinator shall be provided to the parties or their counsel within twenty days
3 of a decision being made. There shall be no ex parte communication with the court.

4 2. Any decisions made by the parenting coordinator authorized by the court order
5 and issued under sections 452.432 to 452.438 shall be binding on the parties until further
6 order of the court.

7 3. Any party may file an objection to any report, decision, or recommendation
8 made by the parenting coordinator with the court within fifteen days after the parenting
9 coordinator provides the report to the parties, with notice being provided to both the
10 parenting coordinator and all parties. Any objection shall be accompanied by any written
11 report or decision made by the parenting coordinator. Responses to the objections shall
12 be filed with the court with notice to the parenting coordinator and all parties within
13 fifteen days after the objection is served. The court may extend the time allowed to file an
14 objection or response of any party.

15 4. The court shall review any objections to any report of a parenting coordinator
16 and any responses submitted to such objections to the report and shall set the matter for
17 a hearing de novo or enter other appropriate orders within ten days of an objection being
18 made.

452.438. 1. Each judicial circuit may adopt local rules and guidelines governing the
2 appointment, qualifications, and training of parenting coordinators. In the absence of a
3 supreme court rule, required training shall consist of sixteen hours in parenting
4 coordination including a domestic violence component.

5 **2. A parenting coordinator shall be a licensed mental health professional or a**
6 **licensed attorney. The parenting coordinator shall also be qualified under Missouri**
7 **supreme court rules governing family mediation.**

8 **3. Parenting coordinators who are not licensed attorneys shall not be considered**
9 **as engaging in the unauthorized practice of law while performing actions within the scope**
10 **of his or her duties as a parenting coordinator.**

✓