

SECOND REGULAR SESSION

SENATE BILL NO. 1249

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5166S.011

AN ACT

To amend chapter 452, RSMo, by adding thereto one new section relating to parenting coordinators.

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

Section A. Chapter 452, RSMo, is amended by adding thereto one new
2 section, to be known as section 452.406, to read as follows:

**452.406. 1. In all proceedings for child custody or for dissolution
2 of marriage or legal separation where custody, visitation, or support of
3 a child is a contested issue, the court may, on its own motion, a motion
4 by either party, or by agreement of the parties, and upon notice to the
5 parties, appoint a parenting coordinator as a neutral third party to
6 assist in the resolution of disputes between the parties concerning
7 parental responsibilities, including but not limited to implementation
8 of the court-ordered parenting plan under subsection 7 of section
9 452.310. The appointment order should specify those matters which the
10 parenting coordinator is authorized to determine. However, the
11 appointment of a parenting coordinator shall not divest the court of its
12 exclusive jurisdiction to determine fundamental issues of custody,
13 visitation, and support, and the authority to exercise management and
14 control of the case. A parenting coordinator shall serve in no other
15 capacity outside the scope of their authority, except as a mediator if
16 the parties agree. The parenting coordinator shall be an individual
17 with the same qualifications as a mediator under supreme court rule
18 88.05.**

**2. The court shall not appoint a parenting coordinator if any
20 party objects, unless:**

(1) The court makes specific findings that the case is a high-

22 **conflict case; and**

23 **(2) The court makes specific findings that the appointment of a**
24 **parenting coordinator is in the best interest of any minor child in the**
25 **case;**

26 **(3) In addition to making the findings required under**
27 **subdivisions (1) and (2) of this subsection, prior to appointing a**
28 **parenting coordinator, the court shall consider the effect of any**
29 **evidence of domestic violence on the parties' ability to engage in parent**
30 **coordination.**

31 **3. A parenting coordinator shall assist the parties in**
32 **implementing the terms of the parenting plan. Duties of a parenting**
33 **coordinator shall include but are not limited to the following:**

34 **(1) Assisting the parties in creating an agreed-upon, structured,**
35 **guideline for implementation of the parenting plan;**

36 **(2) Developing guidelines for communication between parties**
37 **and suggesting appropriate resources to assist the parties in learning**
38 **appropriate communications skills;**

39 **(3) Informing the parties about appropriate resources to assist**
40 **them in developing improved parenting skills;**

41 **(4) Assisting the parties in realistically identifying the sources**
42 **and causes of conflict between them, including but not limited to**
43 **identifying each party's contribution to the conflict, when appropriate;**
44 **and**

45 **(5) Assisting the parties in developing parenting strategies to**
46 **minimize conflict.**

47 **4. Upon appointment, the parenting coordinator shall attempt to**
48 **resolve disputes between the parties as to implementation or**
49 **clarification of an existing order concerning the parenting plan, or**
50 **other disputed parental decisions, including but not limited to disputes**
51 **concerning parenting time and visitation. A parenting coordinator**
52 **shall have the authority to make findings and recommendations to the**
53 **court regarding any modification or clarification of a pre-existing court**
54 **order regarding the parenting plan. The parenting coordinator shall**
55 **submit written notice of any findings and recommendations to the**
56 **parties, along with a statement that the findings and recommendations**
57 **shall be submitted to the court. Any party who disagrees with the**
58 **findings or recommendations shall be entitled to file a motion for a**

59 court hearing, within fifteen days of receiving notice thereof. Upon
60 receipt of the parenting coordinator's findings and recommendations,
61 the judge, after review of such information, shall choose to adopt,
62 modify, or reject the findings and recommendations of the parenting
63 coordinator. If the judge adopts the findings and recommendations, the
64 judge shall enter the information in a judgment of the court. The
65 parenting coordinator may authorize minor temporary departures from
66 a parenting plan in a manner that is consistent with the substantive
67 intent of the court order containing the plan, and that is within the
68 scope of matters on which the parenting coordinator is authorized to
69 determine.

70 5. A court order appointing a parenting coordinator shall be for
71 a specified term. Upon agreement of the parties, the court may extend,
72 modify, or terminate the appointment. The court may terminate the
73 appointment of the parenting coordinator at any time for good
74 cause. The court shall allow the parenting coordinator to withdraw at
75 any time.

76 6. (1) No parenting coordinator shall be appointed unless the
77 court finds that the parties have the means to pay the fees of the
78 parenting coordinator.

79 (2) This state shall assume no financial responsibility for
80 payment of fees to the parenting coordinator; except that, in cases of
81 hardship, the court, if feasible, may appoint a parenting coordinator to
82 serve on a volunteer basis.

83 (3) The court may allocate fees for parenting coordination
84 between the parties, taking into consideration relevant factors,
85 including but not limited to the relative incomes of the parties.

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

89 7. In a judicial proceeding, administrative proceeding, or other
90 similar proceeding between the parties to the action, a parenting
91 coordinator shall not be competent to testify about the parenting
92 coordination process and shall not be required to produce records as
93 to any statement, conduct, or decision, that occurred during the
94 parenting coordinator's appointment, other than the findings and
95 recommendations such parenting coordinator submits to the court in

96 order to modify or clarify the terms of an existing court order
97 regarding the parenting plan. Nothing in this subsection shall be
98 construed to prohibit a parenting coordinator from testifying or
99 producing records to the extent testimony or production of records by
100 the parenting coordinator is necessary in an action by the parenting
101 coordinator to collect fees from a party to the action.

102 8. (1) A parenting coordinator shall be immune from liability in
103 any claim for injury that arises out of an act or omission of the
104 parenting coordinator occurring during the performance of his or her
105 duties during the performance of an act that the parenting coordinator
106 reasonably believed was within the scope of his or her duties unless the
107 act or omission causing such injury was willful and wanton.

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

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Bill

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