

HOUSE BILL No. 5082

October 16, 2013, Introduced by Rep. Heise and referred to the Committee on Judiciary.

A bill to amend 1970 PA 91, entitled
"Child custody act of 1970,"
(MCL 722.21 to 722.31) by adding section 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7C. (1) A PARENTING COORDINATOR IS A PERSON APPOINTED BY
2 THE COURT FOR A SPECIFIED TERM TO HELP IMPLEMENT THE PARENTING TIME
3 ORDERS OF THE COURT AND TO HELP RESOLVE PARENTING DISPUTES THAT
4 FALL WITHIN THE SCOPE OF THE PARENTING COORDINATOR'S APPOINTMENT.

5 (2) THE COURT MAY ENTER AN ORDER APPOINTING A PARENTING
6 COORDINATOR IF THE PARTIES AND THE PARENTING COORDINATOR AGREE TO
7 THE APPOINTMENT. IN A CASE INVOLVING DOMESTIC VIOLENCE, THE COURT
8 SHALL ENSURE THAT THE ORDER PROVIDES ADEQUATE PROTECTION TO THE
9 VICTIM OF DOMESTIC VIOLENCE.

10 (3) THE ORDER APPOINTING A PARENTING COORDINATOR SHALL INCLUDE

1 ALL OF THE FOLLOWING:

2 (A) AN ACKNOWLEDGMENT THAT THE PARENTING COORDINATOR IS
3 NEUTRAL; THAT THE PARENTING COORDINATOR MAY HAVE EX PARTE
4 COMMUNICATIONS WITH THE PARTIES, THEIR ATTORNEYS, AND THIRD
5 PARTIES; THAT COMMUNICATIONS WITH THE PARENTING COORDINATOR ARE NOT
6 PRIVILEGED OR CONFIDENTIAL; AND THAT BY AGREEING TO THE ORDER, THE
7 PARTIES ARE GIVING THE PARENTING COORDINATOR AUTHORITY TO MAKE
8 RECOMMENDATIONS REGARDING DISPUTES.

9 (B) A SPECIFIC DURATION OF THE APPOINTMENT. THE ORDER SHALL
10 PROVIDE THAT THE PARENTING COORDINATOR MAY RESIGN AT ANY TIME DUE
11 TO NONPAYMENT OF HIS OR HER FEE. THE ORDER MAY INCLUDE A PROVISION
12 FOR EXTENSION OF THE PARENTING COORDINATOR'S TERM BY CONSENT OF THE
13 PARTIES FOR SPECIFIC PERIODS OF TIME.

14 (C) AN EXPLANATION OF THE COSTS OF THE PARENTING COORDINATOR,
15 AND EACH PARTY'S RESPONSIBILITY FOR THOSE COSTS, INCLUDING ANY
16 REQUIRED RETAINER AND FEES FOR ANY REQUIRED COURT APPEARANCES. THE
17 ORDER MAY INCLUDE A PROVISION ALLOWING THE PARENTING COORDINATOR TO
18 ALLOCATE SPECIFIC COSTS TO 1 PARTY FOR CAUSE.

19 (D) THE SCOPE OF THE PARENTING COORDINATOR'S DUTIES. THESE MAY
20 INCLUDE ANY OF THE FOLLOWING:

21 (i) TRANSPORTATION AND TRANSFERS OF THE CHILD BETWEEN PARENTS.

22 (ii) VACATION AND HOLIDAY SCHEDULES AND IMPLEMENTATION.

23 (iii) DAILY ROUTINES.

24 (iv) ACTIVITIES AND RECREATION.

25 (v) DISCIPLINE.

26 (vi) HEALTH CARE MANAGEMENT, INCLUDING DETERMINING AND
27 RECOMMENDING APPROPRIATE MEDICAL AND MENTAL HEALTH EVALUATION AND

1 TREATMENT, INCLUDING PSYCHOTHERAPY, SUBSTANCE ABUSE AND DOMESTIC
2 VIOLENCE TREATMENT OR COUNSELING, AND PARENTING CLASSES, FOR THE
3 CHILD AND THE PARENTS. THE PARENTING COORDINATOR SHALL DESIGNATE
4 WHETHER ANY RECOMMENDED COUNSELING IS OR IS NOT CONFIDENTIAL. THE
5 PARENTING COORDINATOR CAN RECOMMEND HOW ANY HEALTH CARE PROVIDER IS
6 CHOSEN.

7 (vii) SCHOOL-RELATED ISSUES.

8 (viii) ALTERATIONS IN THE PARENTING SCHEDULE, AS LONG AS THE
9 BASIC TIME-SHARING ARRANGEMENT IS NOT CHANGED BY MORE THAN A
10 SPECIFIED NUMBER OF DAYS PER MONTH.

11 (ix) PHASE IN PROVISION OF COURT ORDERS.

12 (x) PARTICIPATION OF OTHER PERSONS IN PARENTING TIME.

13 (xi) CHILD CARE AND BABYSITTING ISSUES.

14 (xii) ANY OTHER MATTERS SUBMITTED TO THE PARENTING COORDINATOR
15 JOINTLY BY THE PARTIES BEFORE HIS OR HER APPOINTMENT EXPIRES.

16 (E) AUTHORIZATION FOR THE PARENTING COORDINATOR TO HAVE ALL OF
17 THE FOLLOWING:

18 (i) REASONABLE ACCESS TO THE CHILD.

19 (ii) NOTICE OF ALL PROCEEDINGS, INCLUDING REQUESTS FOR
20 EXAMINATIONS AFFECTING THE CHILD.

21 (iii) ACCESS TO ANY THERAPIST OF ANY OF THE PARTIES OR THE
22 CHILD.

23 (iv) ACCESS TO SCHOOL, MEDICAL, AND ACTIVITY RECORDS.

24 (v) COPIES OF ALL EVALUATIONS AND PSYCHOLOGICAL TEST RESULTS
25 PERFORMED ON ANY CHILD OR ANY PARENT, CUSTODIAN, GUARDIAN, OR OTHER
26 PERSON LIVING IN THE PARENT'S HOUSEHOLDS, INCLUDING, BUT NOT
27 LIMITED TO, FRIEND OF THE COURT REPORTS AND PSYCHOLOGICAL

1 EVALUATIONS.

2 (vi) ACCESS TO THE CHILD'S PRINCIPAL, TEACHERS, AND TEACHERS'
3 AIDES.

4 (vii) THE RIGHT TO INTERVIEW THE PARTIES, ATTORNEYS, OR THE
5 CHILD IN ANY COMBINATION, AND TO EXCLUDE ANY PARTY OR ATTORNEY FROM
6 AN INTERVIEW.

7 (viii) THE RIGHT TO INTERVIEW OR COMMUNICATE WITH ANY OTHER
8 PERSON THE PARENTING COORDINATOR CONSIDERS RELEVANT TO RESOLVE AN
9 ISSUE OR TO PROVIDE INFORMATION AND COUNSEL TO PROMOTE THE BEST
10 INTERESTS OF THE CHILD.

11 (F) THE DISPUTE RESOLUTION PROCESS THAT WILL BE USED BY THE
12 PARENTING COORDINATOR, EXPLAINING HOW THE PARENTING COORDINATOR
13 WILL MAKE RECOMMENDATIONS ON ISSUES AND THE EFFECT TO BE GIVEN TO
14 THOSE RECOMMENDATIONS. THE PROCESS MUST ENSURE THAT BOTH PARTIES
15 HAVE AN OPPORTUNITY TO BE HEARD ON ISSUES UNDER CONSIDERATION BY
16 THE PARENTING COORDINATOR AND AN OPPORTUNITY TO RESPOND TO RELEVANT
17 ALLEGATIONS AGAINST THEM BEFORE A RECOMMENDATION IS MADE. THE
18 PARTIES MAY AGREE THAT ON SPECIFIC TYPES OF ISSUES THEY MUST FOLLOW
19 A PARENTING COORDINATOR'S RECOMMENDATIONS UNTIL MODIFIED BY THE
20 COURT.

21 (4) THE COURT MAY TERMINATE THE APPOINTMENT OF THE PARENTING
22 COORDINATOR IF THE COURT FINDS THAT THE APPOINTMENT IS NO LONGER
23 HELPFUL TO THE COURT IN RESOLVING PARENTING DISPUTES.

24 (5) THE PARENTING COORDINATOR MAY RESIGN AT ANY TIME, WITH
25 NOTICE TO THE PARTIES AND TO THE COURT. IF THE COURT FINDS THAT A
26 PARTY HAS REFUSED TO PAY ITS SHARE OF THE PARENTING COORDINATION
27 COSTS AS A MEANS TO FORCE THE PARENTING COORDINATOR TO RESIGN, THE

1 COURT MAY USE CONTEMPT SANCTIONS TO ENFORCE PAYMENT OF THE
2 PARENTING COORDINATOR'S FEE.

3 (6) THE PARENTING COORDINATOR IS IMMUNE FROM CIVIL LIABILITY
4 FOR AN INJURY TO A PERSON OR DAMAGE TO PROPERTY IF HE OR SHE IS
5 ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORITY AS PARENTING
6 COORDINATOR.

7 (7) THE PARENTING COORDINATOR SHALL MAKE HIS OR HER
8 RECOMMENDATIONS IN WRITING AND PROVIDE COPIES OF THE RECOMMENDATION
9 TO THE PARTIES IN THE MANNER SPECIFIED IN THE PARENTING
10 COORDINATION ORDER. IF A PARTY ATTACHES THE RECOMMENDATION TO A
11 MOTION OR OTHER FILING, THE COURT MAY READ AND CONSIDER THE
12 RECOMMENDATION, BUT THE RECOMMENDATION IS NOT EVIDENCE UNLESS THE
13 PARTIES STIPULATE THAT IT IS.

14 (8) THE COURT MAY ALLOW THE TESTIMONY OF THE PARENTING
15 COORDINATOR IF THE COURT FINDS THE TESTIMONY USEFUL TO THE
16 RESOLUTION OF A PENDING DISPUTE. THE PARENTING COORDINATOR SHALL
17 NOT TESTIFY REGARDING STATEMENTS RECEIVED FROM A CHILD INVOLVED IN
18 THE PARENTING COORDINATION IF THE PARENTING COORDINATOR BELIEVES
19 THE DISCLOSURE WOULD DAMAGE THE CHILD'S RELATIONSHIP WITH 1 OF THE
20 PARTIES.

21 (9) THE STATE COURT ADMINISTRATIVE OFFICE SHALL DEVELOP
22 STANDARDS FOR THE QUALIFICATIONS AND TRAINING OF PARENTING
23 COORDINATORS. PARENTING COORDINATORS MUST COMPLETE THE TRAINING
24 WITHIN 2 YEARS OF THE PROMULGATION OF THE STANDARDS DESCRIBED IN
25 THIS SUBSECTION.