

SUBSTITUTE FOR
HOUSE BILL NO. 5082

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 AND ITS SCOPE. BEFORE APPOINTING A PARENTING
8 COORDINATOR, THE COURT SHALL CONSIDER ANY HISTORY OF A COERCIVE OR
9 VIOLENT RELATIONSHIP BETWEEN THE PARTIES. THE COURT SHALL ENSURE
10 THAT THE ORDER APPOINTING THE PARENTING COORDINATOR PROVIDES

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1 ADEQUATE PROTECTION TO THE VICTIM OF A COERCIVE OR VIOLENT
2 RELATIONSHIP.

3 (3) THE ORDER APPOINTING A PARENTING COORDINATOR SHALL INCLUDE
4 ALL OF THE FOLLOWING:

5 (A) AN ACKNOWLEDGMENT THAT EACH PARTY HAS HAD THE OPPORTUNITY
6 TO CONSULT WITH AN ATTORNEY AND A DOMESTIC VIOLENCE COUNSELOR.

7 (B) AN ACKNOWLEDGMENT THAT THE PARENTING COORDINATOR IS
8 NEUTRAL; THAT THE PARENTING COORDINATOR MAY HAVE EX PARTE
9 COMMUNICATIONS WITH THE PARTIES, THEIR ATTORNEYS, AND THIRD
10 PARTIES; THAT, EXCEPT AS PROVIDED IN SUBSECTION (9), COMMUNICATIONS
11 WITH THE PARENTING COORDINATOR ARE NOT PRIVILEGED OR CONFIDENTIAL;
12 AND THAT BY AGREEING TO THE ORDER, THE PARTIES ARE GIVING THE
13 PARENTING COORDINATOR AUTHORITY TO MAKE RECOMMENDATIONS REGARDING
14 DISPUTES.

15 (C) A SPECIFIC DURATION OF THE APPOINTMENT. THE ORDER SHALL
16 PROVIDE THAT THE PARENTING COORDINATOR MAY RESIGN AT ANY TIME DUE
17 TO NONPAYMENT OF HIS OR HER FEE. THE ORDER MAY INCLUDE A PROVISION
18 FOR EXTENSION OF THE PARENTING COORDINATOR'S TERM BY CONSENT OF THE
19 PARTIES FOR SPECIFIC PERIODS OF TIME.

20 (D) AN EXPLANATION OF THE COSTS OF THE PARENTING COORDINATOR,
21 AND EACH PARTY'S RESPONSIBILITY FOR THOSE COSTS, INCLUDING ANY
22 REQUIRED RETAINER AND FEES FOR ANY REQUIRED COURT APPEARANCES. THE
23 ORDER MAY INCLUDE A PROVISION ALLOWING THE PARENTING COORDINATOR TO
24 ALLOCATE SPECIFIC COSTS TO 1 PARTY FOR CAUSE.

25 (E) THE SCOPE OF THE PARENTING COORDINATOR'S DUTIES [IN RESOLVING
26 DISPUTES BETWEEN THE PARTIES]. THESE MAY
27 INCLUDE ANY OF THE FOLLOWING:

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

(ii) VACATION AND HOLIDAY SCHEDULES AND IMPLEMENTATION.

(iii) DAILY ROUTINES.

(iv) ACTIVITIES AND RECREATION.

(v) DISCIPLINE.

(vi) HEALTH CARE MANAGEMENT, INCLUDING DETERMINING AND RECOMMENDING APPROPRIATE MEDICAL AND MENTAL HEALTH EVALUATION AND TREATMENT, INCLUDING PSYCHOTHERAPY, SUBSTANCE USE DISORDER AND BATTERER INTERVENTION TREATMENT OR COUNSELING, AND PARENTING CLASSES, FOR THE CHILD AND THE PARENTS. THE PARENTING COORDINATOR SHALL DESIGNATE WHETHER ANY RECOMMENDED COUNSELING IS OR IS NOT CONFIDENTIAL. THE PARENTING COORDINATOR CAN RECOMMEND HOW ANY HEALTH CARE PROVIDER IS CHOSEN.

(vii) SCHOOL-RELATED ISSUES.

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

(ix) PHASE IN PROVISION OF COURT ORDERS.

(x) PARTICIPATION OF OTHER PERSONS IN PARENTING TIME.

(xi) CHILD CARE AND BABYSITTING ISSUES.

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

(F) AUTHORIZATION FOR THE PARENTING COORDINATOR TO HAVE ACCESS THAT MAY INCLUDE ALL OF THE FOLLOWING:

(i) REASONABLE ACCESS TO THE CHILD.

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

(iii) ACCESS TO ANY THERAPIST OF ANY OF THE PARTIES OR THE

1 CHILD.

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

3 (v) COPIES OF ALL EVALUATIONS AND PSYCHOLOGICAL TEST RESULTS
4 PERFORMED ON ANY CHILD OR ANY PARENT, CUSTODIAN, GUARDIAN, OR OTHER
5 PERSON LIVING IN THE PARENT'S HOUSEHOLDS, INCLUDING, BUT NOT
6 LIMITED TO, FRIEND OF THE COURT REPORTS AND PSYCHOLOGICAL
7 EVALUATIONS.

8 (vi) ACCESS TO THE CHILD'S PRINCIPAL, TEACHERS, AND TEACHERS'
9 AIDES.

10 (vii) THE RIGHT TO INTERVIEW THE PARTIES, ATTORNEYS, OR THE
11 CHILD IN ANY COMBINATION, AND TO EXCLUDE ANY PARTY OR ATTORNEY FROM
12 AN INTERVIEW.

13 (viii) THE RIGHT TO INTERVIEW OR COMMUNICATE WITH ANY OTHER
14 PERSON THE PARENTING COORDINATOR CONSIDERS RELEVANT TO RESOLVE AN
15 ISSUE OR TO PROVIDE INFORMATION AND COUNSEL TO PROMOTE THE BEST
16 INTERESTS OF THE CHILD.

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

27 (4) THE COURT MAY TERMINATE THE APPOINTMENT OF THE PARENTING

1 COORDINATOR IF THE COURT FINDS THAT THE APPOINTMENT IS NO LONGER
2 HELPFUL TO THE COURT IN RESOLVING PARENTING DISPUTES OR IF THE
3 PROCESS IS NO LONGER SAFE FOR A PARTY OR A CHILD.

4 (5) THE PARENTING COORDINATOR MAY RESIGN AT ANY TIME, WITH
5 NOTICE TO THE PARTIES AND TO THE COURT. IF THE COURT FINDS THAT A
6 PARTY HAS REFUSED TO PAY ITS SHARE OF THE PARENTING COORDINATION
7 COSTS AS A MEANS TO FORCE THE PARENTING COORDINATOR TO RESIGN, THE
8 COURT MAY USE CONTEMPT SANCTIONS TO ENFORCE PAYMENT OF THE
9 PARENTING COORDINATOR'S FEE.

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

14 (7) THE PARENTING COORDINATOR SHALL MAKE REASONABLE INQUIRY
15 WHETHER EITHER PARTY HAS A HISTORY OF A COERCIVE OR VIOLENT
16 RELATIONSHIP WITH THE OTHER PARTY. A REASONABLE INQUIRY INCLUDES
17 THE USE OF THE DOMESTIC VIOLENCE SCREENING PROTOCOL FOR MEDIATION
18 PROVIDED BY THE STATE COURT ADMINISTRATIVE OFFICE.

19 (8) IF THE PARENTING COORDINATOR DETERMINES THAT THERE IS A
20 HISTORY OF A COERCIVE OR VIOLENT RELATIONSHIP BETWEEN THE PARTIES,
21 THE PARENTING COORDINATOR SHALL NOT BRING THE PARTIES WITHIN
22 PROXIMITY OF EACH OTHER UNLESS THE PARTY AT RISK FROM VIOLENCE OR
23 COERCION REQUESTS IT AND THE PARENTING COORDINATOR DETERMINES WITH
24 THAT PARTY WHAT REASONABLE STEPS, IF ANY, CAN BE TAKEN TO ADDRESS
25 CONCERNS REGARDING COERCION OR VIOLENCE.

26 (9) THE PARENTING COORDINATOR IS NOT REQUIRED TO DISCLOSE
27 INFORMATION IF DISCLOSURE WILL COMPROMISE THE SAFETY OF A PARTY OR

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1 A CHILD.

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

9 (11) THE PARENTING COORDINATOR SHALL NOT RECOMMEND RELIEF THAT
10 IS LESS PROTECTIVE THAN ANY OTHER ORDER RELATED TO THE PARTIES.

11 (12) SUBJECT TO THE MICHIGAN RULES OF EVIDENCE, THE COURT MAY
12 ALLOW THE TESTIMONY OF THE PARENTING COORDINATOR IF THE COURT FINDS
13 THE TESTIMONY USEFUL TO THE RESOLUTION OF A PENDING DISPUTE. THE
14 PARENTING COORDINATOR SHALL NOT TESTIFY REGARDING STATEMENTS
15 RECEIVED FROM A CHILD INVOLVED IN THE PARENTING COORDINATION IF THE
16 PARENTING COORDINATOR BELIEVES THE DISCLOSURE WOULD BE DAMAGING TO
17 THE CHILD.

18 (13) A PARENTING COORDINATOR WHO HAS REASONABLE CAUSE TO
19 SUSPECT CHILD ABUSE OR NEGLECT SHALL IMMEDIATELY MAKE ORAL AND
20 WRITTEN REPORTS, OR CAUSE ORAL AND WRITTEN REPORTS TO BE MADE, TO
21 THE DEPARTMENT OF HUMAN SERVICES AS PROVIDED IN SECTION 3 OF THE
22 CHILD PROTECTION LAW, 1975 PA 238, MCL 722.623.

23 (14) [AS DIRECTED BY THE SUPREME COURT, THE STATE COURT
24 ADMINISTRATIVE OFFICE SHALL DEVELOP STANDARDS FOR THE QUALIFICATIONS AND
25 TRAINING OF PARENTING COORDINATORS, INCLUDING TRAINING REGARDING VIOLENT
26 AND COERCIVE DOMESTIC RELATIONSHIPS.

27] PARENTING COORDINATORS MUST COMPLETE THE TRAINING

1 WITHIN 2 YEARS OF THE PROMULGATION OF THE STANDARDS DESCRIBED IN
2 THIS SUBSECTION.