

Act No. 526  
Public Acts of 2014  
Approved by the Governor  
January 10, 2015  
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**STATE OF MICHIGAN  
97TH LEGISLATURE  
REGULAR SESSION OF 2014**

Introduced by Rep. Heise

# **ENROLLED HOUSE BILL No. 5082**

AN ACT to amend 1970 PA 91, entitled "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," (MCL 722.21 to 722.31) by adding section 7c.

*The People of the State of Michigan enact:*

Sec. 7c. (1) A parenting coordinator is a person appointed by the court for a specified term to help implement the parenting time orders of the court and to help resolve parenting disputes that fall within the scope of the parenting coordinator's appointment.

(2) The court may enter an order appointing a parenting coordinator if the parties and the parenting coordinator agree to the appointment and its scope. Before appointing a parenting coordinator, the court shall consider any history of a coercive or violent relationship between the parties. The court shall ensure that the order appointing the parenting coordinator provides adequate protection to the victim of a coercive or violent relationship.

(3) The order appointing a parenting coordinator shall include all of the following:

(a) An acknowledgment that each party has had the opportunity to consult with an attorney and a domestic violence counselor.

(b) An acknowledgment that the parenting coordinator is neutral; that the parenting coordinator may have ex parte communications with the parties, their attorneys, and third parties; that, except as provided in subsection (9), communications with the parenting coordinator are not privileged or confidential; and that by agreeing to the order, the parties are giving the parenting coordinator authority to make recommendations regarding disputes.

(c) A specific duration of the appointment. The order shall provide that the parenting coordinator may resign at any time due to nonpayment of his or her fee. The order may include a provision for extension of the parenting coordinator's term by consent of the parties for specific periods of time.

(d) An explanation of the costs of the parenting coordinator, and each party's responsibility for those costs, including any required retainer and fees for any required court appearances. The order may include a provision allowing the parenting coordinator to allocate specific costs to 1 party for cause.

(e) The scope of the parenting coordinator's duties in resolving disputes between the parties. These may 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 a specific therapist of any of the parties or the child, provided that a proper release is executed.

(iv) Access to school, medical, and activity records.

(v) Copies of specific evaluations and psychological test results performed on any child or any parent, custodian, guardian, or other person living in the parent's households, including, but not limited to, friend of the court reports and psychological evaluations.

(vi) Access to the child's principal, teachers, and teachers' aides.

(vii) The right to interview the parties, attorneys, or the child in any combination, and to exclude any party or attorney from an interview.

(viii) The right to interview or communicate with any other person the parenting coordinator considers relevant to resolve an issue or to provide information and counsel to promote the best interests of the child.

(g) The dispute resolution process that will be used by the parenting coordinator, explaining how the parenting coordinator will make recommendations on issues and the effect to be given to those recommendations. The process must ensure that both parties have an opportunity to be heard on issues under consideration by the parenting coordinator and an opportunity to respond to relevant allegations against them before a recommendation is made. The parties may agree that on specific types of issues they must follow a parenting coordinator's recommendations until modified by the court.

(4) The court may terminate the appointment of the parenting coordinator if the court finds that the appointment is no longer helpful to the court in resolving parenting disputes or if the process is no longer safe for a party or a child.

(5) The parenting coordinator may resign at any time, with notice to the parties and to the court. If the court finds that a party has refused to pay its share of the parenting coordination costs as a means to force the parenting coordinator to resign, the court may use contempt sanctions to enforce payment of the parenting coordinator's fee.

(6) The parenting coordinator is immune from civil liability for an injury to a person or damage to property if he or she is acting within the scope of his or her authority as parenting coordinator.

(7) The parenting coordinator shall make reasonable inquiry whether either party has a history of a coercive or violent relationship with the other party. A reasonable inquiry includes the use of the domestic violence screening protocol for mediation provided by the state court administrative office.

(8) If the parenting coordinator determines that there is a history of a coercive or violent relationship between the parties, the parenting coordinator shall not bring the parties within proximity of each other unless the party at risk from violence or coercion requests it and the parenting coordinator determines with that party what reasonable steps, if any, can be taken to address concerns regarding coercion or violence.

(9) The parenting coordinator is not required to disclose information if disclosure will compromise the safety of a party or a child.

(10) The parenting coordinator shall make his or her recommendations in writing and provide copies of the recommendation to the parties in the manner specified in the parenting coordination order. If a party attaches the recommendation to a motion or other filing, the court may read and consider the recommendation, but the recommendation is not evidence unless the parties stipulate that it is.

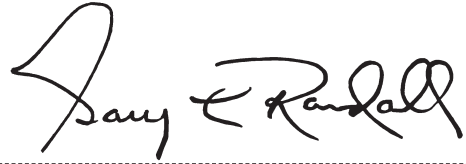
(11) The parenting coordinator shall not recommend relief that is less protective than any other order related to the parties.

(12) Subject to the Michigan rules of evidence, the court may allow the testimony of the parenting coordinator if the court finds the testimony useful to the resolution of a pending dispute. The parenting coordinator shall not testify regarding statements received from a child involved in the parenting coordination if the parenting coordinator believes the disclosure would be damaging to the child.

(13) A parenting coordinator who has reasonable cause to suspect child abuse or neglect shall immediately make oral and written reports, or cause oral and written reports to be made, to the department of human services as provided in section 3 of the child protection law, 1975 PA 238, MCL 722.623.

(14) As directed by the supreme court, the state court administrative office shall develop standards for the qualifications and training of parenting coordinators, including training regarding violent and coercive domestic relationships. Parenting coordinators must complete the training within 2 years of the promulgation of the standards described in this subsection.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor