

1 Report of the Texas Association of Family and Conciliation Courts
2 Taskforce on Parenting Coordination
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4 Appendix A
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A BILL TO BE ENTITLED

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AN ACT

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4relating to parenting coordinators and other processes in suits affecting the parent-child
5relationship.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS

7 SECTION 1. Section 153.610, Family Code, is amended to read as follows:

8 Sec. 153.610. QUALIFICATIONS OF PARENTING COORDINATOR. (a) The court

9shall determine the required qualifications of a parenting coordinator, provided that a parenting

10coordinator must hold at least ~~(1) hold~~ a bachelor's degree from an accredited college or

11university in counseling, education, family studies, psychology, or social work and, unless

12waived by the court, complete a parenting coordinator course of at least 16 hours; or (2) hold a

13graduate degree in a mental health profession, with an emphasis in family and children's issues.

14 (b) In addition to the qualifications prescribed by Subsection (a) a parenting

15coordinator must complete:

16 (1) a minimum of 40 classroom hours of training in dispute resolution techniques

17 in a course conducted by an alternative dispute resolution system or other dispute

18 resolution organization approved by the court making the appointment in

19 accordance with 154.052 (a) Civil Practices and Remedies Code and

20 (2) an additional 24 hours of training in the fields of family dynamics, child

21 development, and family law in accordance with 154.052 (b) Civil Practices and

22 Remedies Code and

1 (3) an additional 16 hours of training based on the “Guidelines for Parenting
2 Coordination” developed by the Association of Family and Conciliation Courts
3 (May 2005) on the parenting coordination process and the spectrum of parenting
4 coordination styles and procedures and
5 (4) at least eight hours of family violence dynamics training provided by a family
6 violence service provider.

7 (c) If an individual meeting the requirements of this section is not available in the
8 county served by the court, a court may in its discretion appoint a person as a parenting
9 coordinator who does not qualify under Subsection (a) and (b) if the court bases its appointment
10 on legal or other professional training or experience in particular dispute resolution processes.

11 (e) (d) The actions of a parenting coordinator who is not an attorney do not constitute
12 the practice of law.

13

14 SECTION 2. Subchapter J, Chapter 153, Family Code, is amended by adding Section
15 153.6051 to read as follows:

16 Sec 153.6051. PARENTING COORDINATOR: CONFLICTS OF INTEREST AND
17 BIAS. (a) A parenting coordinator who has a conflict of interest with any party in a disputed suit
18 or who may be biased on the basis of previous knowledge of the litigants, children, family, or the
19 suit shall disclose any issue or concern to the court and the attorneys of record prior to accepting
20 the appointment or assignment and may decline to accept the appointment or assignment.

21 (b) A parenting coordinator who discovers a conflict of interest with any party
22 subsequent to accepting an appointment or assignment shall immediately disclose the conflict of
23 interest to the court and attorneys of record.

1 (c) Except as a co-parenting educator, a parenting coordinator shall not serve in dual
2sequential professional roles with a family or any member of a family. A mediator, attorney,
3therapist or anyone else having served in a previous role, outside of co-parenting educator, with
4the family or one of the family members shall not serve as a parenting coordinator for a family.
5Neither shall a parenting coordinator serve in any subsequent role with the family other than that
6of a parenting coordinator.

7 (d) A parenting coordinator shall disclose to each attorney of record in a case any
8communication regarding a substantive issue between the parenting coordinator and any other
9attorney of record in the case.

10

11 SECTION 3. Section 153.607(b), Family Code, is amended to read as follows:

12 (b) The court shall remove the parenting coordinator:

13 ~~(1) on the request and agreement of both parties; or~~

14 ~~(2) on the motion of a party, if good cause is shown.~~

15

16 SECTION 4. Subchapter A, Chapter 153, Family Code, is amended by adding Section
17153.0101, 153.0102, 153.0103, 153.0104, 153.0105, 153.0106, & 153.0107 to read as follows:

18 Sec. 153.0101 ORDER FOR CO-PARENTING CASE MANAGEMENT SERVICES.

19The court may appoint an individual or organization to assist the court in resolving disputes
20regarding parenting time and to assist parents in creating and implementing parenting plans. The
21services provided to the court and to parents under this section may include:

22 (a) Providing parents with problem solving, conflict management, and parenting skills
23training;

1 (b) Monitoring compliance with court orders;

2 (c) When families are acting under temporary orders providing the parents, their
3attorneys, if any, and the court with input regarding long term parenting arrangements; and

4 (d) Assisting the parents in resolving disputes and disagreements regarding parenting
5issues.

6 (e) Notwithstanding any other provision of this subchapter, a party may at any time
7prior to the order for co-parenting case management file a written objection to the referral of a
8suit affecting the parent-child relationship to co-parenting case management on the basis of
9family violence having been committed by another party against the objecting party or a child
10who is the subject of the suit. After an objection is filed, the suit may not be referred to co-
11parenting case management unless, on the request of a party, a hearing is held and the court finds
12that a preponderance of the evidence does not support the objection. If the suit is referred to co-
13parenting case managemet the court shall order appropriate measures be taken to ensure the
14physical and emotional safety of the party who filed the objection.

15

16 Sec. 153.0102 QUALIFICATIONS OF A CO-PARENTING CASE MANAGER. A
17person appointed as a co-parenting case manager at a minimum must

18 (a) Be qualified as a parenting coordinator under section 153.610 of this code; and

19 (b) Have a professional license to practice in this state as a social worker, professional
20counselor, marriage and family therapist or psychologist; certification as a family life educator
21from the National Council on Family Relations; or license to practice as an attorney; and

22 (c) Have received at least eight hours additional training in arbitration procedures,
23ethics, and decision reporting.

1 (d) The actions of a co-parenting case manager who is not an attorney do not constitute
2the practice of law.

3

4 Sec 153.0103. CO-PARENTING CASE MANAGER: CONFLICTS OF INTEREST
5AND BIAS. (a) A co-parenting case manager who has a conflict of interest with any party in a
6disputed suit or who may be biased on the basis of previous knowledge of the litigants, children,
7family, or the suit shall disclose any issue or concern to the court and the attorneys of record
8prior to accepting the appointment or assignment and may decline to accept the appointment or
9assignment.

10 (b) A co-parenting case manager who discovers a conflict of interest with any party
11subsequent to accepting an appointment or assignment shall immediately disclose the conflict of
12interest to the court and attorneys of record.

13 (c) Except as a parenting educator, a co-parenting case manager shall not serve in dual
14sequential professional roles with a family or any member of a family. A mediator, attorney,
15therapist or anyone else having served in a previous role, outside of parenting educator, with the
16family or one of the family members shall not serve as a co-parenting case manager for a family.
17Neither shall a co-parenting case manager serve in any subsequent role with the family other
18than that of co-parenting case manager.

19 (d) A co-parenting case manager shall disclose to each attorney of record in a case any
20communication regarding a substantive issue between the co-parenting case manager and any
21other attorney of record in the case.

22

1 Sec 153.0104. DECISION MAKING AUTHORITY. (a) If the parties have been
2ordered by the court to attempt to settle their disputes with the assistance of a co-parenting case
3manager and are unable to settle such disputes the co-parenting case manager shall have the
4authority to make decisions to implement or clarify provisions of a pre-existing court order in a
5manner that is consistent with the substantive intent of the court order and in the best interest of
6the children in question.

7 (b) When a short-term, emerging, and time sensitive situation or dispute arises that
8requires an immediate decision for the welfare of the children a co-parenting case manager may
9make a temporary decision which may deviate from the existing court order but is otherwise in
10the best interest of the children in question.

11 (c) The parties shall comply with any decision made by the co-parenting case manager
12until such time that it is adopted into a formal order of the court, overruled by the court, or the
13parties reach a decision of their own.

14 (d) Any decision made by the co-parenting case manager shall not be regarded as
15precedent as to any future action or procedure.

16 (e) When a co-parenting case manager is forced to make decisions for the parties such
17decisions shall be noted in writing as soon as possible and be reported to the court with copies to
18the parties and attorneys of record within 3 working days.

19 (f) If a party disagrees with a decision such a party may file a motion with the court for
20review at which time an order shall be made by the court. The co-parenting case manager may be
21called to appear and testify to explain to the court the reasoning for any such decisions.

22

1 Sec 153.0105. RECORD KEEPING AND REPORTING. (a) A co-parenting case
2manager shall keep detailed notes regarding meetings and contacts with the parties, attorneys, or
3others involved with the case.

4 (b) Parties participating in co-parenting case management are not “patients” as defined
5in Health and Safety Code Chapter 611.001 and no record created as part of co-parenting case
6management is confidential in any manner.

7 (c) Records of a co-parenting case management case shall be made available by the co-
8parenting case manager to any attorney of record or party representing themselves in the case at
9that person’s request.

10 (d) The co-parenting case manager shall keep records of a co-parenting case
11management case for a period of four years following termination of services.

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13 Sec 153.0106 COMPLAINTS REGARDING AND REMOVAL OF CO-PARENTING
14CASE MANAGERS. (a) A co-parenting case manager is presumed to be acting in good faith if
15their services have been conducted pursuant to this subchapter.

16 (b) Except as otherwise provided by this section, the court shall reserve the right to
17remove the co-parenting case manager at the court's discretion.

18 (c) The court shall remove the co-parenting facilitator:

19 (1) on the request and agreement of both parties; or

20 (2) on the motion of a party, if good cause is shown.

21

22 Sec. 154.0107. QUALIFIED IMMUNITY OF CO-PARENTING CASE MANAGERS.

23An individual or organization appointed to serve as a co-parenting case manager under this

1subchapter who complies with the requirements of this subchapter and who does not act with
2wanton and willful disregard of the rights, safety, or property of another, is immune from civil
3liability for any act or omission within the course and scope of his or her duties or functions as a
4co-parenting case manager.

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6 SECTION 5. Notwithstanding Section 153.610(a) and (b), Family Code, as added by this
7Act, an individual who on or before the effective date of this Act met the previous qualifications
8of a parenting coordinator is not required to comply with the requirements imposed by those
9paragraphs until September 1st, 2010 to be qualified to serve as a parenting coordinator under
10Chapter 153, Family Code, as amended by this Act.