

MAINE STATE LEGISLATURE

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**REPORT TO THE JOINT STANDING COMMITTEE ON
THE JUDICIARY FOR THE 125th MAINE LEGISLATURE**

ON

PARENTING COORDINATORS

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Introduction

The Family Division was created in 1997 to provide a system of justice that is responsive to the needs of families and the support of their children. 4 M.R.S. § 183. The enabling legislation identified case management, education for the parties, and mediation and other forms of alternative dispute resolution as important tools in family matter proceedings.

In 2009, the State of Maine Legislature enacted Public Law Chapter 345, codifying 19-A M.R.S. § 1659 which authorized the alternative dispute resolution practice of parenting coordination. Section 1659 authorized the courts to appoint parenting coordinators in family matter cases, including divorce and parental rights and responsibilities actions. A “[p]arenting coordinator” is defined as “a neutral 3rd party appointed by the court to oversee and resolve disputes that arise between parents in interpreting and implementing the parenting plan set forth in the court's order.” 19-A M.R.S. § 1659. Section 1659 requires that parenting coordinators be listed on the roster of guardians *ad litem* maintained by the Chief Judge of the District Court. 19-A M.R.S. § 1659(1)(A)(1).

Chapter 345 Section 3 authorized the Supreme Judicial Court to “enter into an agreement with a professional organization of guardians ad litem, the purpose of which is to improve the practice of guardians ad litem, to establish a process to collect and review evaluations and complaints about parenting coordinators established pursuant to the

Maine Revised Statutes, Title 19-A, section 1659.” However, Chapter 345 was clear that the Judicial Branch was not required to establish a complaint process nor could there be any cost to the Judicial Branch. Chapter 345 was specific on these points because no funding was provided to the Judicial Branch to train, roster or oversee parenting coordinators. See 2009 P.L. 345, Section 3.

The Court may appoint a parenting coordinator when the court makes certain findings about the parents’ persistent inability or unwillingness to engage in productive co-parenting and finds that the appointment of a parenting coordinator is in the child’s best interest. Specifically, “[i]n a proceeding under this chapter, on the motion of a party or on the court’s own motion, the court may appoint a parenting coordinator, with or without consent of the parties, in a case in which:

- 1) The parents have demonstrated a pattern of persistent inability or unwillingness to:
 - a) make parenting decisions on their own;
 - b) comply with parenting agreements and orders;
 - c) reduce their child related conflicts; or
 - d) protect their child from the effects of those conflicts; and
- 2) Appointment of the parenting coordinator is in the best interests of the child.”

19-A M.R.S.. § 1659(2)(A)(1-(2)).

“The appointment of a parenting coordinator is effective upon issuance of the final divorce judgment, the ruling on a post-judgment motion or the final parental rights and responsibilities judgment.” 19-A M.R.S. § 1659(3). Public Law 345, Section 4 became effective on September 12, 2009, and requires that beginning in 2010 the Supreme Judicial Court submit an annual report to the Joint Standing Committee of the Legislature having jurisdiction over judiciary matters describing the use of parenting coordinators in domestic relations actions pursuant to Maine Revised Statutes, Title 19-A, Section 1659. In accordance with Section 1659, the Family Division, on behalf of the Supreme Judicial Court, is pleased to provide this report on Parenting Coordinators to the Joint Standing Committee on the Judiciary for the 125th Maine Legislature.

Parenting Coordinators Appointments

This report describes activities during calendar year 2011, during which there were 45 parenting coordinator appointments. Pursuant to statute, the court may appoint a parenting coordinator with or without the consent of the parties. 19-A M.R.S. § 1659(2)(A). Thirty-nine of the parenting coordinator appointments were made by agreement of the parties after the court’s finding that the appointment of a parenting coordinator would be in the child’s best

interest. The remaining six parenting coordinator appointments were made subsequent to a contested hearing.

No Complaints Against Parenting Coordinators

The Judicial Branch has not received any formal complaints concerning parenting coordinators. In addition, although parties have the right to object to the recommendations of the parenting coordinator, 19-A M.R.S. § 1659 (5), in 2011, only one motion seeking review of a parenting coordinator's recommendations was filed.¹

The Judicial Branch has not entered into an agreement with a professional organization of guardians *ad litem* to collect and review evaluations and complaints with regard to parenting coordinators as permitted by Chapter 345. However, The Maine Guardian *ad litem* Institute (MEGALI) may have additional information to supplement this Report.

Early Indications

In 2011, 45 parenting coordinators were appointed in addition to the 70 parenting coordinators who were appointed in 2009-2010. The short period of

¹ The district court judge affirmed the recommendations of the parenting coordinator after a testimonial hearing.

time since the enactment of the legislation and the small data set do not allow for an in-depth evaluation of the effectiveness of the parenting coordinator process. Despite the limited number of appointments, the early indications are positive, however. For example, consistent with the trends in 2009 and 2010, nearly 90% of the 2011 parenting coordinator appointments were made pursuant to an agreement between the parties rather than by order of the court. In addition no complaints against parenting coordinators have been received.

The Judicial Branch anticipates that as new and additional information becomes available in upcoming years, the Family Division will be in a better position to conduct a thorough review of the impact of parenting coordinators on Maine families.