

MAINE STATE LEGISLATURE

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**REPORT TO THE JOINT STANDING COMMITTEE ON
THE JUDICIARY FOR THE 124th MAINE LEGISLATURE**

ON

PARENTING COORDINATORS



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The Family Division, on behalf of the Judicial Branch, is honored to provide this report on Parenting Coordinators to the Joint Standing Committee on the Judiciary for the 124th Maine Legislature.

Introduction

The Family Division was created 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 alternative dispute resolution techniques as important practices and procedures in family matter proceedings. In the spring of 1998 the Family Division of the Maine District Court commenced operations.

In 2009, the State of Maine legislature enacted 19-A M.R.S.A. §1659 authorizing the courts to appoint parenting coordinators in Family Matter cases, including divorce and parental rights and responsibilities actions. A “Parenting Coordinator” is defined as a neutral third 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.A. §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.A. §1659(1)(A)(1).

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.A. §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.A. §1659(3).

Section 1659 became effective on September 12, 2009, and the legislature required 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. Because of the limited experience to date, there is insufficient data upon which to develop trends or conclusions. Thus, this report describes activities to date.

Parenting Coordinators

Since the effective date of the legislation five months ago, three (3) things have happened.

First, during the past five and one-half months, there have been 23 parenting coordinator appointments. As noted above, the court may appoint a parenting coordinator with or without the consent of the parties. 19-A M.R.S.A. §1659(2)(A). Three of the parenting coordinator appointments were made subsequent to a contested hearing— without the consent of one or more of the parties— and 20 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.

To date, it does not appear that any motions for review of a parenting coordinator's recommendations pursuant to 19-A M.R.S. §1659(5) have been filed. Additionally, we are not aware of any complaints against a parenting coordinator.

Second, section 1659 requires that parenting coordinators, in addition to being on the guardian *ad litem* roster, meet any other qualifications and requirements established by the Supreme Judicial Court. 19-A M.R.S.A. §1659(1)(A)(2). In that regard, the Supreme Judicial Court has begun the process to consider whether to promulgate rules outlining additional qualifications and requirements for parenting coordinators.

Finally, the Maine Guardian *ad litem* Institute (MEGALI) sponsored a training for attorneys, mental health professionals, and guardians *ad litem* on Friday and Saturday, November 20 and 21, 2009. The training, hosted by MEGALI and co-sponsored by the New Hampshire Parenting Coordination Association, was held in Saco, Maine. The presenter was Dr. Robin Deutch of the Massachusetts General Hospital's Children and the Law Program. The topics included:

- Overview of Parenting Coordination;
- Psychological Dynamics in the Families;
- Affects of Divorce and Conflict on Children;
- Functions of the Parenting Coordinator;
- Legal Framework and Scope of Authority;
- Qualifications and Training;
- Parenting Coordination Techniques and Issues;
- Structure and Mechanics of the Parenting Coordinator Process;
- Ethical and Legal Issues;
- Writing Agreements; and
- Arbitration and Court Review.

Approximately 42 people from Maine attended the training.

Conclusion

In sum, approximately 23 parenting coordinators have been appointed in Maine pursuant to 19-A M.R.S. § 1659. While there is little data at this time to evaluate the effectiveness of the parenting coordinator process, the early indications are positive. The Judicial Branch anticipates that additional information will be available during the next legislative session.