

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 alternative dispute resolution techniques as important tools in family matter proceedings.

In 2009, the State of Maine legislature enacted 19-A M.R.S.A. §1659 authorizing 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 “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 (SJC) 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

Because of the limited experience to date, there is still insufficient data upon which to develop trends or conclusions. Thus, this report describes activities during calendar year 2010.

During 2010 there were approximately 47 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). Six (6) of the parenting coordinator appointments were made subsequent to a contested hearing. Forty-one (41) 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.

No Complaints Against Parenting Coordinators

The Judicial Branch is not aware of any complaints concerning parenting coordinators. In addition, there have been no motions seeking review of a parenting coordinator's recommendations pursuant to 19-A M.R.S. 1659(5).

Conclusion

In sum, approximately 47 parenting coordinators were appointed in Maine in 2010. While there is little data at this time to evaluate the effectiveness of the parenting coordinator process, the early indications are positive. -Nearly 90% of the 2010 parenting coordinator appointments were made pursuant to an agreement between the parties. No complaints have been filed. The Judicial Branch anticipates that new and additional information will become available in the coming years to allow a more thorough review of the impact of parenting coordinators on Maine families..