

Supreme Court of Florida

No. AOSC17-18

IN RE: PARENTING COORDINATOR OPERATING PROCEDURES

ADMINISTRATIVE ORDER

Section 61.125, Florida Statutes, establishes parenting coordination as a form of dispute resolution. The Florida Supreme Court adopted the Rules for Qualified and Court-Appointed Parenting Coordinators (Rules) pursuant to its rulemaking authority under article V, Section 2(a), Florida Constitution, in In re: Amendments to the Florida Family Law Rules of Procedure; New Rules for Qualified & Court-Appointed Parenting Coordinators, 142 So. 3d 831 (Fla. 2014).

Part II of the Rules, which is titled “Discipline,” provides:

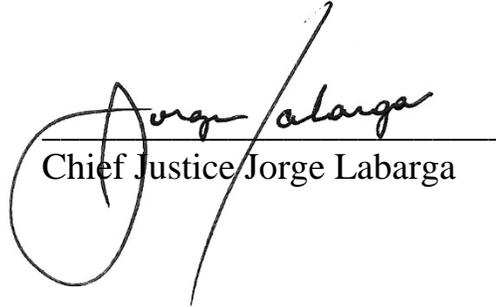
Rule 15.210. Procedure

Any complaint alleging violations of the Rules For Qualified And Court-Appointed Parenting Coordinators, Part I: STANDARDS, shall be filed with the Dispute Resolution Center which shall be responsible for enforcing these Standards.

In order to fulfill the Dispute Resolution Center’s (DRC) responsibility and implement the disciplinary process, the Parenting Coordinator Disciplinary Review Board (Board) was established in In re: Parenting Coordinator Disciplinary Review Board, Fla. Admin. Order No. AOSC16-95 (Oct. 11, 2016).

The attached operating procedures are hereby adopted so that the Board may perform investigations and adjudications of grievances against parenting coordinators.

DONE AND ORDERED at Tallahassee, Florida, on March 13, 2017.


Chief Justice Jorge Labarga

ATTEST:


John A. Tomasino, Clerk of Court



PARENTING COORDINATOR DISCIPLINE OPERATING PROCEDURES

Table of Contents

1.	JURISDICTION	1
2.	SCOPE AND PURPOSE	2
3.	ADMINISTRATIVE RESPONSIBILITY	3
4.	PRIVILEGE TO SERVE	3
5.	DEFINITIONS	3
6.	PARENTING COORDINATOR DISCIPLINE REVIEW BOARD.....	4
7.	JURISDICTION AND POWER	6
8.	CONTEMPT PROCESS	7
9.	RULE VIOLATIONS COMPLAINT PROCESS.....	8
10.	HEARING PANEL PROCEDURES	10
11.	BURDEN OF PROOF.....	14
12.	SANCTIONS	14
13.	SUSPENSION, DISQUALIFICATION, AND REMOVAL.....	17
14.	SUBPOENAS.....	19
15.	CONFIDENTIALITY	19
16.	DISQUALIFICATION AND REMOVAL OF MEMBERS OF A COMMITTEE, PANEL OR THE BOARD	20
17.	CHIEF JUDGE REVIEW	21

1. JURISDICTION

In In re: Amendments to the Fla. Family Law Rules of Pro.; New Rules for Qualified & Court-Appointed Parenting Coordinators, 142 So. 3d 831 (Fla. 2014), the Florida Supreme Court adopted the Florida Rules for Qualified and Court-Appointed Parenting Coordinators. Part II of rule 15 states:

Part II. DISCIPLINE

Rule 15.210. Procedure

Any complaint alleging violations of the Rules For Qualified And Court-Appointed Parenting Coordinators, Part I: STANDARDS, shall be filed with the Dispute Resolution Center which shall be responsible for enforcing these Standards.

2. SCOPE AND PURPOSE

These procedures are promulgated to establish disciplinary proceedings pursuant to In re: Amendments to the Fla. Family Law Rules of Pro.; New Rules for Qualified & Court-Appointed Parenting Coordinators, 142 So. 3d 831 (Fla. 2014), rule 15.210. The procedures apply to all proceedings before investigatory committees and adjudicatory panels of the Parenting Coordination Discipline Review Board (PCDRB) involving the discipline of qualified parenting coordinators and court-appointed parenting coordinators. The purpose of these procedures is to provide a means for enforcing the Florida Rules for Qualified and Court-Appointed Parenting Coordinators (Rules). The Dispute Resolution Center (DRC), through the PCDRB, shall be responsible for the enforcement of these disciplinary rules only, and not for initial qualification or maintaining qualification as a parenting coordinator.

The chief judge or their designee in each judicial circuit shall have responsibility for:

- (a) the qualification and disqualification of parenting coordinators; and
- (b) any disciplinary proceedings regarding:

- (1) a qualified parenting coordinator's failure to continue to meet the minimum qualifications in section 61.125(4), Florida Statutes;
 - (2) a qualified parenting coordinator experiencing any of the disqualifying circumstances described in section 61.125(5)(a); and
 - (3) any failure of a qualified parenting coordinator to immediately report to the court and the parties the occurrence of (a) or (b) above.
- (c) review of the decision of a hearing panel as provided in Procedure 17: Chief Judge Review.

3. ADMINISTRATIVE RESPONSIBILITY

Administrative responsibility for implementation of the provisions of these procedures shall be with the DRC of the Office of the State Courts Administrator.

4. PRIVILEGE TO SERVE

The privilege to serve as a qualified or court-appointed parenting coordinator is conditional, confers no vested right, and is revocable for cause.

5. DEFINITIONS

- (a) Court-Appointed. Being appointed by the court or selected by the parties as the parenting coordinator in a court-ordered parenting coordination.
- (b) DRC. The Florida Dispute Resolution Center of the Office of the State Courts Administrator.
- (c) File. To file is to deliver to the office of the Florida Dispute Resolution Center of the Office of the State Courts Administrator pleadings, motions, instruments, and other papers for preservation and reference.
- (d) Investigator. An individual qualified by experience to investigate complaints. An investigator may be a qualified parenting coordinator, lawyer,

or other qualified individual retained by the DRC at the direction of a rule violation complaint committee (RVCC) to conduct an investigation.

(e) Panel. Five members of the Parenting Coordinator Discipline Review Board selected by the DRC by rotation who did not serve on the complaint committee to adjudicate the formal charges associated with a rule violation complaint.

(f) Panel Adviser. A member of The Florida Bar retained by the DRC to assist a panel in performing its functions during a hearing. A panel adviser provides procedural advice only, is in attendance at the hearing, is not part of the panel's private deliberations, but may sit in on deliberations in order to answer procedural questions, and is authorized to draft the decision and opinion of the Panel for approval by the full panel and execution by the panel Chair.

(g) PCDRB or Board. The Parenting Coordinator Discipline Review Board.

(h) Prosecutor. A member of The Florida Bar in good standing retained by the DRC to prosecute a complaint before a hearing panel. The Prosecutor is authorized to: perform additional investigation in order to prepare the case; negotiate a consent to charges and an agreement to the imposition of sanctions to be presented to the panel prior to the hearing; to fully prosecute the case at the hearing; and represent the PCDRB or DRC at post hearing proceedings.

(i) Rule Violation Complaint. Formal submission of alleged violations of the Florida Rules for Qualified and Court-Appointed Parenting Coordinators. A complaint may originate from any person or from the DRC.

(j) Rule Violation Complaint Committee or RVCC. Three members of the PCDRB selected by the DRC by rotation to conduct the investigation and disposition of any rule violation complaint.

6. PARENTING COORDINATOR DISCIPLINE REVIEW BOARD

(a) Generally. The Parenting Coordinator Discipline Review Board (PCDRB) shall be composed of 10 individuals selected based on the following criteria:

- (1) judges: 3 circuit, family or county judges;
- (2) parenting coordinators: 5 qualified parenting coordinators; and
- (3) attorneys: 2 attorneys licensed to practice law in Florida for at least 3 years who have or had a substantial family practice and are neither qualified as parenting coordinators nor judicial officers during their terms of service on the PCDRB but who have a knowledge of and experience with parenting coordination practice, statutes, and procedures. These attorneys must be members in good standing of The Florida Bar with no disciplinary history.

(b) Appointment and Term. Eligible persons shall be appointed to the PCDRB by the chief justice of the Supreme Court of Florida for a period of 4 years. No member of the PCDRB shall serve more than 3 terms. The term of any member serving on a committee or panel may continue until the final disposition of their service on a case.

(c) Rule Violation Complaint Committee (RVCC). Each RVCC shall be composed of 3 members of the PCDRB selected by the DRC on a rotation basis. RVCCs are assigned to a single case; however they may be assigned to related cases to be disposed of collectively as is deemed appropriate by the DRC Director. A RVCC shall cease to exist after the disposition of the case(s) to which it is assigned. Each RVCC shall be composed of:

- (1) one judge or attorney, who shall act as the chair of the committee;
and
- (2) two qualified parenting coordinators.

(d) Panels. Each panel shall be composed of 5 members of the PCDRB selected by the DRC on a rotation basis. No member of a panel shall have served on the RVCC for the same case(s). Panels may be assigned to more than 1 unrelated case and may be assigned to related cases to be disposed of collectively as is deemed appropriate by the DRC Director. A panel shall cease to exist after disposing of all cases to which it is assigned. Each panel shall be composed of:

- (1) 1 judge, who shall serve as the chair;
 - (2) 3 qualified parenting coordinators; and
 - (3) 1 attorney who shall serve as vice-chair. The vice-chair shall act as the chair of the panel in the event of the unavailability of the chair.
- (e) Decision making. For all RVCCs and panels, while unanimity is the preferred method of decision making, a majority vote shall control.

7. JURISDICTION AND POWER

(a) RVCC. Each RVCC shall have such jurisdiction and powers as are necessary to conduct the proper and speedy investigation and disposition of any complaint. The judge or attorney chairing the RVCC shall have the power to compel:

- (1) the attendance of any person at a RVCC meeting;
- (2) any person to give statements, testimony, and depositions; and
- (3) production of documents, records, and other evidence.

The RVCC shall perform its investigatory function and have concomitant power to resolve cases prior to panel referral.

(b) Panel. Each panel shall have such jurisdiction and powers as are necessary to conduct the proper and speedy adjudication and disposition of any proceeding before it. The panel shall perform the adjudicatory function, but shall not have any investigatory functions.

- (1) The chair of a panel shall have the power to:
 - (A) compel the attendance of witnesses;
 - (B) issue subpoenas to compel the depositions of witnesses;
 - (C) order the production of records or other documentary evidence;
 - (D) hold anyone in contempt prior to and during the hearing;
 - (E) implement procedures during the hearing;
 - (F) determine admissibility of evidence; and
 - (G) decide motions prior to, during or subsequent to the hearing if related to the hearing.

(c) Panel Vice-Chair. The vice-chair of a panel, upon the unavailability of the chair, is authorized only to issue subpoenas or order the production of records or other documentary evidence.

8. CONTEMPT PROCESS

(a) General. Should any person fail, without justification, to respond to the lawful subpoena of a RVCC or, having responded, fail or refuse to answer all inquiries or to turn over evidence that has been lawfully subpoenaed, or should any person be guilty of disorderly conduct, that person may be found to be in contempt.

(b) RVCC Contempt. A motion for contempt based on the grounds delineated in subdivision (a) above along with a proposed Order to Show Cause may be filed before the circuit court of the county in which the contemptuous act was committed. The motion shall allege the specific failure on the part of the witness or the specific disorderly or contemptuous act of the person which forms the basis of the alleged contempt of the RVCC.

(c) Panel Contempt. The chair of a panel may hear any motions filed either before or during a hearing or hold any person in contempt for conduct occurring during the hearing.

9. RULE VIOLATIONS COMPLAINT PROCESS

(a) **Initiation of Complaint.** Any individual or the DRC may file a complaint alleging that a parenting coordinator has violated one or more provisions of the Rules. The complaint from an individual shall be written, sworn to under oath and notarized using a form supplied by the DRC. A complaint initiated by the DRC need not be sworn nor notarized but shall be signed by the director or the DRC staff attorney, if any. The complaint shall state with particularity the specific facts and details that form the basis of the complaint.

(b) **Filing of Complaint.** The complaint shall be filed with the DRC. Once received by the DRC, the complaint shall be stamped with the date of receipt.

(c) **Assignment to a Rules Violation Complaint Committee (RVCC).** Upon receipt of a complaint, the DRC shall assign the complaint to a RVCC within a reasonable period of time. The RVCC shall be informed of the parenting coordinator's prior disciplinary history. As soon as practical after the receipt of a complaint from an individual, the DRC shall send a notification of the receipt of the complaint to the complainant.

(d) **Facial Sufficiency Determination.** The RVCC shall convene by conference call to determine whether the allegation(s), if true, would constitute a violation of the rules.

(1) If the RVCC finds a complaint against a parenting coordinator to be facially insufficient, the complaint shall be dismissed without prejudice and the complainant shall be so notified and given an opportunity to re-file within a 20 day-time period. No complainant whose complaint is dismissed without prejudice pursuant to this section shall be permitted more than 1 additional filing to establish facial sufficiency.

(2) If the complaint is found to be facially sufficient, the RVCC shall prepare a list of any rule or rules which may have been violated and shall submit same to the DRC.

(e) **Service.** Upon the finding of facial sufficiency of a complaint, the DRC shall serve on the parenting coordinator a copy of the list of alleged rule violations, a copy of the complaint, and a link to an electronic copy of the rules which were in effect at the time of the alleged violation. Service on the

parenting coordinator shall be made either electronically or by certified mail addressed to the parenting coordinator's physical or e-mail address on file with the circuit in which the parenting coordinator is qualified.

(f) Response. Within 20 days of the receipt of the list of alleged rule violations and the complaint, the parenting coordinator shall send a written, sworn under oath, and notarized response to the DRC by registered or certified mail. Unless extended in writing by the DRC, if the parenting coordinator does not respond within the 20-day time frame, the allegations shall be deemed admitted and the matter may be referred to a panel.

(g) Resignation of Qualification. A resignation of qualification or withdrawal from a court-appointment by a parenting coordinator after the filing of a complaint does not result in the loss of jurisdiction by the PCDRB.

(h) Investigation. The RVCC, after review of the complaint and response, may direct the DRC to appoint an investigator to assist the RVCC in any of its functions. The RVCC, or any member or members thereof, may also conduct an investigation if authorized by the RVCC chair. Any investigation may include meeting with the parenting coordinator, the complainant or any other person.

(i) RVCC Meeting with the Complainant and Parenting Coordinator. Notwithstanding any other provision in these procedures, at any time while the RVCC has jurisdiction, it may meet with the complainant and the parenting coordinator, jointly or separately, in an effort to resolve the matter. This resolution may include sanctions as set forth in Procedure 11: Sanctions if agreed to by the parenting coordinator. If sanctions are accepted, all relevant documentation shall be forwarded to the DRC. Such meetings may be in person, by teleconference, or other communication method, at the discretion of the RVCC and authorization by the DRC.

(j) Notice and Publication. Any consensual resolution agreement which includes sanctions shall be distributed by the DRC to all circuits through the chief judges, all trial and appellate court administrators, and the ADR directors; it shall also be published on the DRC page of the Florida Courts website with a summary of the case, the rule or rules listed as violated, the circumstances surrounding the violation of the rules, and a copy of the agreement.

(k) Review. If no other disposition has occurred, the RVCC shall review the

complaint, the response, and any investigative report, including any underlying documentation, to determine whether there is probable cause to believe that the alleged misconduct occurred and would constitute a violation of the rules.

(l) No Probable Cause. If the RVCC finds no probable cause, it shall dismiss the complaint with prejudice and so advise the complainant and the parenting coordinator in writing. Such decision shall be final.

(m) Probable Cause Found. If the RVCC finds that probable cause exists, it may:

(1) draft formal charges and forward such charges to the DRC for assignment to a panel; or

(2) decide not to proceed with the case by filing an Order of Non-Referral containing a short and plain statement of the rules for which probable cause was found and the reason or reasons for non-referral, and so advise the complainant and the parenting coordinator in writing.

(n) Formal Charges and Counsel. If the RVCC finds probable cause that the parenting coordinator has violated 1 or more of the rules, the RVCC shall order the drafting of formal charges and forward such charges to the DRC for assignment to a panel. The charges shall include a statement of the matters asserted in the complaint relevant to the finding of rules violations, any additional information relevant to the finding of rules violations, and references to the particular sections of the Rules violated. The formal charges shall be signed by the chair of the RVCC, or, in the alternative, by the other 2 members of the RVCC. At the request of the RVCC, the DRC may retain a member in good standing of The Florida Bar to conduct such additional investigations as necessary and draft the formal charges.

(o) Dismissal. Upon the filing of a stipulation of dismissal signed by the complainant and the parenting coordinator, and with the concurrence of the RVCC, which may withhold concurrence, the complaint shall be dismissed with prejudice.

10. HEARING PANEL PROCEDURES

(a) Notification of Formal Charges. Upon the referral of formal charges to the

DRC from a RVCC, the DRC shall promptly send a copy of the formal charges to the parenting coordinator and complainant by certified mail, return receipt requested.

(b) Prosecutor. Upon the referral of formal charges, the DRC shall retain the services of a prosecutor.

(c) Panel Adviser. After the referral of formal charges, the DRC may retain the services of a panel adviser.

(d) Assignment to Panel. After the referral of formal charges to the DRC, the DRC shall send to the complainant and the parenting coordinator a Notice of Assignment of the case to a panel. No member of the RVCC that referred the formal charges shall serve as a member of the panel.

(e) Assignment of Related Cases. If the DRC assigns related cases to a panel for a single hearing, any party to those cases may make a motion for severance which shall be heard by the chair of the panel.

(f) Time of the Hearing. Absent stipulation of the parties or good cause, the DRC shall set the hearing for a date not more than 120 days nor less than 30 days from the date of the notice of assignment of the case to the panel. Within 10 days of the scheduling of the hearing, a notice of hearing shall be sent by certified mail to the parenting coordinator and his or her attorney, if any.

(g) Admission to Charges. At any time prior to the hearing, the panel may accept an admission to any or all charges and impose sanctions upon the parenting coordinator. The panel shall not be required to meet in person to accept any such admission and imposition of sanctions.

(h) Dismissal by Stipulation. Upon the filing of a stipulation of dismissal signed by the complainant, if any, the parenting coordinator, and the prosecutor and with the review and concurrence of the panel, which concurrence may be withheld, and the DRC, the case shall be dismissed with prejudice. Upon dismissal, the panel shall promptly forward a copy of the dismissal order to the DRC.

(i) Procedures for Hearing. The procedures for a hearing shall be as follows:

(1) Panel Presence. No hearing shall be conducted without the chair being physically present. All other panel members must be physically present unless the chair determines that exceptional circumstances are shown to exist which include, but are not limited to, unexpected illness, unexpected incapacity, or unforeseeable and unavoidable absence of a panel member. Upon such determination, the hearing may proceed with no fewer than 4 panel members of which 1 is the chair. In the event only 4 of the panel members are present, at least 3 members of the panel must agree on the decisions of the panel. If 3 members of the panel cannot agree on the decision, the hearing shall be rescheduled.

(2) Decorum. The hearing may be conducted informally but with decorum.

(3) Oath. Anyone testifying in the hearing shall swear or affirm to tell the truth.

(4) Florida Evidence Code. The rules of evidence applicable to trials of civil actions shall apply but are to be liberally construed.

(5) Testimony. Testimony at the hearing may be given through the use of telephonic or other communication equipment upon a showing of good cause to the chair of the panel within a reasonable time prior to the hearing.

(6) Right to Defend. A parenting coordinator shall have the right: to defend against all charges; to be represented by an attorney; to examine and cross-examine witnesses; to compel the attendance of witnesses to testify; and to compel the production of documents and other evidentiary matter through the subpoena power of the panel.

(7) Parenting Coordinator Discovery. The prosecutor shall, upon written demand of a parenting coordinator or counsel of record, promptly furnish the following: the names and addresses of all witnesses whose testimony is expected to be offered at the hearing; copies of all written statements and transcripts of the testimony of such witnesses in the possession of the prosecutor or the DRC which are relevant to the subject matter of the

hearing and which have not previously been furnished; and copies of any exhibits which are expected to be offered at the hearing.

(8) Prosecutor Discovery. The parenting coordinator or their counsel of record shall, upon written demand of the prosecutor, promptly furnish the following: the names and addresses of all witnesses whose testimony is expected to be offered at the hearing; copies of all written statements and transcripts of the testimony of such witnesses in the possession of the parenting coordinator or their counsel of record which are relevant to the subject matter of the hearing and which have not previously been furnished; and copies of any exhibits which are expected to be offered at the hearing.

(9) Complainant's Failure to Appear. Absent a showing of good cause, if the complainant fails to appear at the hearing, the panel may dismiss the case.

(10) Parenting Coordinator's Failure to Appear. If the parenting coordinator has failed to answer the underlying complaint or fails to appear, the panel may proceed with the hearing.

(A) If the hearing is conducted in the absence of a parenting coordinator who failed to respond to the underlying complaint and the allegations were therefore admitted, no further notice to the parenting coordinator is necessary and the decision of the panel shall be final.

(B) If the hearing is conducted in the absence of a parenting coordinator who submitted a response to the underlying complaint, the DRC shall notify the parenting coordinator that the hearing occurred and whether the matter was dismissed or if sanctions were imposed. The parenting coordinator may petition for rehearing by showing good cause for such absence. A petition for rehearing must be received by the DRC and the prosecutor no later than 10 days from receipt of the DRC notification. The prosecutor shall file a response, if any, within 5 days from receipt of the petition for rehearing. The disposition of the petition shall be decided solely by the chair of the

panel and any hearing on the motion required by the chair of the panel may be conducted telephonically or by other communication equipment.

(11) Reporting of Proceedings. Any party shall have the right, without any order or approval, to have all or any portion of the testimony in the proceedings reported and transcribed by a court reporter at the party's expense.

(j) Decision of Panel. Upon making a determination that the case shall be dismissed or that the imposition of sanctions is appropriate, the panel shall promptly notify the DRC of the decision including factual findings and conclusions signed by the chair of the panel. The DRC shall thereafter promptly mail a copy of the decision to all parties.

(k) Notice to Circuits and Districts. In every case in which a parenting coordinator has had sanctions imposed by agreement or decision, such agreement or decision shall be sent by the DRC to all circuits and districts through the chief judges, all trial and appellate court administrators, and the ADR Directors.

(l) Publication. Upon the imposition of sanctions, whether by consent of the parenting coordinator and approval by the panel or by decision of the panel after a hearing, the DRC shall publish the name of the parenting coordinator, a summary of the case, a list of the rule or rules which were violated, the circumstances surrounding the violation, and a copy of the decision of the panel. Such publication shall be on the DRC page of the Florida Courts website and in any outside publication at the discretion of the DRC Director.

11. BURDEN OF PROOF

The burden of proof for rule violations is clear and convincing evidence.

12. SANCTIONS

(a) Generally. The parenting coordinator may be sanctioned pursuant to the following:

- (1) by agreement with a RVCC;
- (2) by agreement with a panel to the imposition of sanctions; or
- (3) by imposition of sanctions by a panel as a result of their deliberations.

(b) Types of Sanctions. Sanctions may include 1 or more of the following:

- (1) oral admonishment;
- (2) written reprimand;
- (3) additional training, which may include the observation of parenting coordinators;
- (4) restriction on types of cases in which the parenting coordinator may serve;
- (5) supervised parenting coordination;
- (6) suspension for a period of up to 1 year;
- (7) disqualification or, if the parenting coordinator is not previously qualified by the court, bar from service as a parenting coordinator under any procedure of court or statute pertaining to qualified and court-appointed parenting coordinators;
- (8) costs incurred prior to, during, and subsequent to the hearing. The specific categories and amounts of such costs are to be decided by the

chair of the panel upon submission of costs by the DRC or the prosecutor and shall include only:

- (A) all travel expenses for members of the panel;
- (B) all travel expenses for witnesses, prosecutor, panel adviser, and DRC Director or designee;
- (C) court reporter fees and transcription;
- (D) fees and costs for all investigation services;
- (E) telephone/conference call charges;
- (F) postage and delivery;
- (G) notary charges;
- (H) interpretation and translation services; and
- (I) copy costs.

(9) any other sanctions as deemed appropriate by the panel.

(c) Failure to Comply with Sanctions.

(1) If there is a reasonable belief that a parenting coordinator failed to comply with any sanction, unless otherwise provided for in the agreement with a RVCC or the decision of the panel, the DRC may file a motion for contempt pursuant to Procedure 8 and serve the parenting coordinator or applicant with a copy of the motion.

(2) The parenting coordinator shall file a response within 20 days of receipt of the motion for contempt.

(3) If no response is filed, the allegations of the motion are admitted.

(4) The DRC shall thereafter set a hearing and provide notice to the parenting coordinator. The motion shall also include any additional alleged failures to comply of which the DRC becomes aware prior to the

date of the hearing. The holding of a hearing shall not preclude subsequent hearings on any other alleged failure.

(5) Any sanction in effect at the time that the DRC has a reasonable belief that a violation of the sanctions has occurred shall continue in effect until a decision is reached.

(6) A finding that there was a willful failure to substantially comply with any imposed or agreed upon sanction shall result in the automatic disqualification of the parenting coordinator for no less than 1 year.

13. SUSPENSION, DISQUALIFICATION, AND REMOVAL

(a) Suspension. During the period of suspension, compliance with all requirements for qualification must be met.

(b) Reinstatement after Suspension. A parenting coordinator who has been suspended shall be reinstated as a qualified parenting coordinator, unless otherwise ineligible, upon the expiration of the suspension period and satisfaction of any additional obligations contained in the sanction document.

(c) Automatic Disqualification:

(1) parenting coordinator shall automatically be disqualified without the need for a hearing upon the DRC finding that a parenting coordinator has any of the following:

(A) a felony conviction;

(B) a conviction or adjudication withheld on a charge of child abuse, child neglect, domestic violence, parental kidnapping, or interference with custody;

(C) found by a court in a child protection hearing to have abused, neglected, or abandoned a child;

(D) consented to an adjudication or a withholding of adjudication on a petition for dependency;

(E) been a respondent in a final order or injunction of protection against domestic violence;

(F) been disbarred from any state or federal bar or has had any professional license revoked.

(2) Notification and Publication. In the event of an automatic disqualification, the DRC shall notify all circuits through their chief judges, trial and appellate court administrators and ADR Directors and publish the disqualification on the Florida Courts website on the DRC page and in any outside publication at the discretion of the DRC Director.

(d) Disqualified Parenting Coordinators. If a parenting coordinator has been disqualified or barred from service pursuant to these procedures, the parenting coordinator shall not thereafter be assigned or appointed as a parenting coordinator in a case pursuant to court procedure or order or be designated as a parenting coordinator by the parties in any court proceeding.

(e) Removal from Supreme Court Committees. If a member of the PCDRB or any Supreme Court committee related to alternative dispute resolution processes is disciplined, suspended, or disqualified as a parenting coordinator, the DRC shall immediately remove that member from the committee or board on which the member serves.

(f) Reinstatement after Disqualification.

(1) Except if inconsistent with other procedures in this document, a parenting coordinator who has been disqualified may be reinstated as a qualified parenting coordinator after application unless the document disqualifying the parenting coordinator states otherwise.

(2) Unless a greater time period has been imposed by a panel or procedure, no application for reinstatement may be submitted prior to 1 year after the date of disqualification.

(3) The reinstatement procedures shall be determined by each circuit.

(4) The DRC shall refer the petition for reinstatement to the proper circuit.

14. SUBPOENAS.

(a) RVCC. Subpoenas for the production of documents or other evidence and for the appearance of any person before a RVCC, or any member thereof, may be issued by the chair of the RVCC. If the chair is unavailable, the subpoena may be issued by the remaining members of the RVCC.

(b) Panel. Subpoenas for the attendance of witnesses and the production of documents or other evidence before a panel may be issued by the chair of the panel. If the chair of a panel is unavailable, the subpoena may be issued by the vice-chair.

(c) Service. Subpoenas may be served in any manner provided by law for the service of witness subpoenas in a civil action.

(d) Failure to Obey. Any person who, without good cause shown, fails to obey a duly served subpoena may be cited for contempt.

15. CONFIDENTIALITY

(a) Generally. Until the finding of probable cause, all communications and proceedings shall be confidential. Upon the filing of formal charges, the formal charges and all documents created subsequent to the filing of formal charges shall be public with the exception of those matters which are otherwise confidential under law or rule of the supreme court, regardless of the outcome of any appeal. If a consensual agreement is reached between a parenting coordinator and a RVCC, only a summary of the allegations and a link or copy of the agreement may be released to the public and placed on the DRC page of the Florida Courts website.

(b) Breach of Confidentiality. Violation of confidentiality by a member of the PCDRB shall subject the member to discipline under these procedures and removal from the PCDRB by the chief justice of the Supreme Court of Florida.

16. DISQUALIFICATION AND REMOVAL OF MEMBERS OF A COMMITTEE, PANEL OR THE BOARD

(a) Disqualification of Member. A member of the PCDRB is disqualified from serving on a RVCC or panel involving that member's own discipline.

(b) Party Request for Disqualification of a PCDRB Member. Any party may move to disqualify a member of the committee or panel before which the case is pending. Factors to be considered include, but are not limited to:

(1) the member or some person related to that member is interested in the result of the case;

(2) the member is related to an attorney or counselor of record in the case; or

(3) the member is a material witness for or against 1 of the parties to the case.

(c) Facts to be Alleged. Any motion to disqualify shall be in writing, allege the facts relied on to show the grounds for disqualification and shall be made under oath by the moving party.

(d) Time for Motion. A party shall file a motion to disqualify with the DRC not later than 10 days after the movant discovered or reasonably should have

discovered the facts which would constitute grounds for disqualification.

(e) Action by Chair. The chair of the committee or panel shall hear and decide any motions for disqualification.

(f) Board Member Initiative. A member of any committee or panel may disqualify him/herself on the member's own initiative at any time.

(g) Replacement. Depending on the circumstances, the DRC may replace any disqualified member.

(h) Qualifications for New Member. Each new member serving as a replacement shall have the same qualifications as the disqualified member.

17. CHIEF JUDGE REVIEW

(a) Right of Review. Any parenting coordinator found to have committed a violation of the rules or otherwise sanctioned by a hearing panel shall have a right of review of that action. Review of this type shall be by the chief judge or designee of the circuit which qualified the parenting coordinator in the case which gave rise to the underlying action.

(b) Rules of Procedure. The Florida Rules of Appellate Procedure shall control to the extent applicable or as modified by procedures for qualification and appeals of discipline of parenting coordinators as adopted in each circuit.

(c) Notice of Review. The jurisdiction to seek review of disciplinary action shall be invoked by submitting an original and one copy of a Notice of Review of Parenting Coordinator Disciplinary Action to the chief judge of the circuit or designee within 30 days of the panel's written decision. A copy shall be provided to the DRC. A copy of the panel decision shall be attached to the notice.

(d) Standard of Review.

(1) The chief judge or designee shall review the findings and conclusions of the panel using a competent substantial evidence standard, neither

reweighing the evidence in the record nor substituting the reviewer's judgment for that of the panel.

(2) Decisions of the chief judge or designee shall be final.