

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 455

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO DIVORCE ACTIONS; AMENDING SECTION 32-717D, IDAHO CODE, TO DELETE PROVISIONS PROHIBITING A CERTAIN RETAINER AND TO REVISE LANGUAGE REGARDING PAYMENT OF CERTAIN FEES AND COSTS OF THE PARENTING COORDINATOR.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 32-717D, Idaho Code, be, and the same is hereby amended to read as follows:

32-717D. PARENTING COORDINATOR. (1) Provided that a court has entered a judgment or an order establishing child custody in a case, the court may order the appointment of a parenting coordinator to perform such duties as authorized by the court, consistent with any controlling judgment or order of a court relating to the child or children of the parties, and as set forth within the order of appointment. The court shall direct the parenting coordinator to provide a status report to the court at a time and in a manner as determined by the court. Provided however, that the court shall require the parenting coordinator to provide a minimum of one (1) status report to the court at least once every six (6) months. At any time during the period of appointment, the court, on its own initiative, or upon request of the parenting coordinator or either party, may hold a status conference to review the continued appointment of the coordinator and/or the status of the case.

(2) Qualification, selection, appointment, termination of appointment, and prescribed duties and responsibilities of a parenting coordinator shall be based upon standards and criteria as adopted by the Idaho supreme court. Provided however, that standards and criteria for qualification and selection of a parenting coordinator, as adopted by the Idaho supreme court, shall not apply to a parenting coordinator selected and agreed to by the parties. In addition, as a condition of any appointment, a parenting coordinator shall:

(a) Be neutral to the dispute and to the parties;

(b) Be either selected pursuant to agreement of the parties or appointed by the court; and

(c) Prior to any appointment, and at their own cost, have submitted to a criminal history check through any law enforcement office in the state providing such service. The criminal history check shall include a statewide criminal identification bureau, the federal bureau of investigation criminal history check, the national crime information center and the statewide sex offender register. A record of all background checks shall be maintained in the office of the supreme court of the state of Idaho with a copy going to the applicant and shall be available for review by the court considering a parenting coordinator appointment prior to an appointment; ~~and~~

1 ~~(d) Agree to appointment without requiring the parties to pay a re-~~
2 ~~tainer for services. Provided however, that any dispute regarding~~
3 ~~payment of the fees and costs of the parenting coordinator, shall be~~
4 ~~subject to review by the court upon request of the parenting coordinator~~
5 ~~or either party.~~

6 (3) In addition to those duties as authorized by the court pursuant to
7 the order of appointment, the responsibilities of a parenting coordinator
8 shall include collaborative dispute resolution in parenting. The parenting
9 coordinator shall act to empower the parties in resuming parenting controls
10 and decision-making, and minimize the degree of conflict between the parties
11 for the best interests of the children.

12 (4) The court shall allocate the fees and costs of the parenting coordi-
13 nator between the parties and may enter an order against either or both par-
14 ties for the reasonable costs, fees and disbursements of the parenting coor-
15 dinator. Any dispute regarding payment of the fees and costs of the parent-
16 ing coordinator shall be subject to review by the court upon request of the
17 parenting coordinator or either party.