

**102ND GENERAL ASSEMBLY****State of Illinois****2021 and 2022****SB3083**

Introduced 1/11/2022, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

750 ILCS 5/612 new

Amends the Illinois Marriage and Dissolution of Marriage Act. Allows a court to appoint a parenting coordinator when deemed in the best interests of the child following the entry of, or prior to if approved by the court, a parenting plan. Provides that a parenting coordinator shall facilitate the resolution of conflict among parties regarding an existing parenting plan in a marital dissolution, parentage, or post-judgment case. Authorizes a parenting coordinator to make specific recommendations regarding the existing parenting plan. Restricts a parenting coordinator from making certain recommendations. Requires the parenting coordinator to provide recommendations to the parties within 14 days of the recommendations. Allows the parties to submit the recommendations to the court for entry as an agreed order. Prohibits a parenting coordinator from serving as a court's professional evaluation in any proceeding involving one or more parties for whom the parenting coordinator has provided parenting coordination services. Requires the parties to pay the parenting coordinator fees. Requires the parties to comply with the recommendations made by the parenting coordinator. Allows a party to file a motion for review of any recommendations made by the parenting coordinator. Allows the parenting coordinator to have access to non-public records involving the parties. Provides that communications with the parenting coordinator shall not be confidential. Provides that no ex parte communication by the parenting coordinator with the court is permitted. Grants the same immunity to a parenting coordinator as provided to all other professional appointed under a provision regarding the representation of a child. Allows a court to adopt its own rules governing the qualifications, appointment, duties, and training of parenting coordinators.

LRB102 19027 LNS 27791 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by adding Section 612 as follows:

6 (750 ILCS 5/612 new)

7 Sec. 612. Parenting coordinator.

8 (a) As used in this Section:

9 "Parenting coordination" means an out-of-court process for
10 the resolution of conflicts or impasse in decision-making
11 between the parties concerning the minor children.

12 "Parenting coordinator" means the person appointed by the
13 court to perform the duties of parenting coordination as set
14 forth in this Section.

15 (b) Following the entry of a parenting plan, or prior to
16 the entry of a parenting plan if approved by the court, and
17 after considering allegations or evidence of domestic abuse
18 between the parties, a parenting coordinator may be appointed
19 by the court when deemed in the best interests of the child due
20 to:

21 (1) the parties' failure to adequately cooperate and
22 communicate with regard to issues involving the children;

23 (2) the parties' inability to implement the existing

1 parenting plan or parenting schedule;

2 (3) unsuccessful mediation or the court determining
3 mediation to be inappropriate;

4 (4) the agreement of the parties; or

5 (5) any other reason the court deems appropriate which
6 does not exceed the authority under this Section.

7 (c) A parenting coordinator shall facilitate the
8 resolution of conflict among parties regarding an existing
9 parenting plan in a marital dissolution, parentage, or
10 post-judgment case to:

11 (1) track parental behaviors, including compliance or
12 lack thereof with orders entered in the case by the court;

13 (2) resolve disputes between the parties upon request
14 of a party or order of the court;

15 (3) make recommendations to the parties; and

16 (4) make recommendations to the court upon proper
17 notice and petition.

18 (d) A parenting coordinator is authorized to make specific
19 recommendations regarding the existing parenting plan
20 including, but not limited to:

21 (1) the time, place, and manner for the pick-up or
22 drop-off of the child in relation to each party's
23 designated parenting time or non-parent visitation;

24 (2) disputes regarding the extent and nature of the
25 child's participation in existing educational and
26 extracurricular activities;

1 (3) minor alterations of parenting time or non-parent
2 visitation to accommodate changes in schedule or
3 availability of the child or a party, including make-up
4 time if permitted by a prior court order;

5 (4) decisions regarding non-permanent alterations to
6 the physical appearance of the child such as the child's
7 clothing and hairstyle; and

8 (5) any other specific issues assigned to the
9 parenting coordinator by the court or agreed by the
10 parties which do not exceed the authority under this
11 Section.

12 (e) A parenting coordinator shall not make recommendations
13 as to:

14 (1) The allocation of parental responsibilities for
15 decision-making.

16 (2) The initial allocation of parental
17 responsibilities for parenting time.

18 (3) Relocation.

19 (4) Establishing visitation by a non-parent.

20 (f) The parenting coordinator shall provide his or her
21 recommendations in writing to the parties within 14 days of
22 the recommendations.

23 (g) The parties may submit the recommendations to the
24 court for entry as an agreed order.

25 (h) A parenting coordinator is prohibited from serving as
26 a court's professional evaluator pursuant to subsections (b)

1 and (c) of Section 604.10 in any proceeding involving one or
2 more parties for whom the parenting coordinator has provided
3 parenting coordination services. A previously appointed
4 professional evaluator may be appointed a parenting
5 coordinator in the same case only by agreement of the parties
6 and approval of the court.

7 (i) The parties shall pay the parenting coordinator fees
8 as ordered by the court or agreed upon in writing by the
9 parties and the parenting coordinator.

10 (j) The parties shall comply with the recommendations made
11 by the parenting coordinator until and unless the court, after
12 a hearing on the motion and any responses thereto, rules that
13 the recommendations at issue are:

14 (1) in contravention of the child's best interests; or

15 (2) outside the scope of the authority bestowed upon
16 the parenting coordinator under this Section, the
17 applicable local circuit court rule, or the order entered
18 by the court appointing the parenting coordinator.

19 (k) A party may file a motion in the circuit court for
20 review of any recommendations made by the parenting
21 coordinator. The circuit court shall review the
22 recommendations at issue under a de novo standard of review.
23 If a party files a motion for review and the court
24 substantially affirms the recommendations of the parenting
25 coordinator, the court may order the party opposing the
26 recommendations to pay both parties' reasonable attorney's

1 fees and costs incurred in connection with the issue brought
2 before the court.

3 (l) The parenting coordinator shall have access to
4 non-public court records involving the same parties, including
5 orders of protection, civil no contact orders, and stalking no
6 contact orders, if approved by the court.

7 (m) Communications with the parenting coordinator shall
8 not be confidential, except as provided by another law or by
9 court order in a case involving the same parties.

10 (n) No ex parte communication by the parenting coordinator
11 with the court is permitted.

12 (o) A parenting coordinator has the same immunity provided
13 to all other professionals appointed pursuant to Section 506.

14 (p) Each circuit court for the State may adopt rules
15 governing the qualifications, appointment, duties, and
16 training of parenting coordinators if such rules do not
17 conflict with the minimum requirements that each parenting
18 coordinator:

19 (1) possess a Juris Doctorate or a Master's degree in
20 social work, psychology, or counseling, or a higher or
21 equivalent degree in a related field;

22 (2) have at least 5 years of experience in law, mental
23 health, or a related field;

24 (3) complete an approved course on domestic violence;
25 and

26 (4) attend at least 4 hours per year of continuing

1 education programs which shall address, at a minimum,
2 psychological issues, the needs of children in cases of
3 family separation, and family dynamics.
4 The court may waive the requirements in paragraphs (1) through
5 (4).