

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 16, 2005
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB05-1171 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 6, strike line 2 and substitute the following:

2 "(7) (a) A PARENTING COORDINATOR ACTING IN THE CAPACITY OF
3 A PARENTING COORDINATOR IS IMMUNE FROM CIVIL LIABILITY TO THE
4 SAME EXTENT AS A JUDGE OF A COURT OF THIS STATE ACTING IN A JUDICIAL
5 CAPACITY.

6 (b) THE IMMUNITY AFFORDED BY THIS SECTION IS IN ADDITION TO,
7 AND NOT LIEU OF, OR IN DEROGATION OF, IMMUNITY CONFERRED UNDER
8 ANY OTHER PROVISION OF LAW.

9 (c) (I) IN A JUDICIAL PROCEEDING, ADMINISTRATIVE PROCEEDING, ";

10 strike line 9 and substitute the following:

11 "(II) THIS PARAGRAPH (c) SHALL NOT APPLY:";

12 line 10, strike "(I)" and substitute "(A)";

13 line 13, strike "(II)" and substitute "(B)";

14 line 16, strike "(III)" and substitute "(C)";

15 after line 19, insert the following:

1 "(d) IF A PERSON COMMENCES A CIVIL ACTION AGAINST A
2 PARENTING COORDINATOR ARISING FROM THE SERVICES OF THE PARENTING
3 COORDINATOR, OR IF A PERSON SEEKS TO COMPEL A PARENTING
4 COORDINATOR TO TESTIFY OR PRODUCE RECORDS IN VIOLATION OF
5 PARAGRAPH (c) OF THIS SUBSECTION (7), AND THE COURT DECIDES THAT
6 THE PARENTING COORDINATOR IS IMMUNE FROM CIVIL LIABILITY OR THAT
7 THE PARENTING COORDINATOR IS NOT COMPETENT TO TESTIFY, THE COURT
8 SHALL AWARD TO THE PARENTING COORDINATOR REASONABLE ATTORNEY
9 FEES AND REASONABLE EXPENSES OF LITIGATION.

10 (8) THE PARENTING COORDINATOR SHALL COMPLY WITH ANY
11 APPLICABLE PROVISIONS SET FORTH IN CHIEF JUSTICE DIRECTIVES AND ANY
12 OTHER PRACTICE OR ETHICAL STANDARDS ESTABLISHED BY RULE,
13 STATUTE, OR LICENSING BOARD THAT REGULATES THE PARENTING
14 COORDINATOR."

15 Page 10, after line 6, insert the following:

16 "(8) THE DECISION-MAKER SHALL COMPLY WITH ANY APPLICABLE
17 PROVISIONS SET FORTH IN CHIEF JUSTICE DIRECTIVES AND ANY OTHER
18 PRACTICE OR ETHICAL STANDARDS ESTABLISHED BY RULE, STATUTE, OR
19 LICENSING BOARD THAT REGULATES THE DECISION-MAKER."

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