

CHAPTER 121

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 09-069

BY SENATOR(S) Boyd, Foster, Gibbs, Newell, Williams, Hudak, Shaffer B.;
also REPRESENTATIVE(S) McCann, Green, Labuda, McGihon, Schafer S., Vigil.

AN ACT**CONCERNING COURT-APPOINTED PARENTING COORDINATORS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 14-10-128.1 (7) and (8), Colorado Revised Statutes, are amended to read:

14-10-128.1. Appointment of parenting coordinator. (7) (a) A PARENTING COORDINATOR APPOINTED BY THE COURT PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY IN ANY CLAIM FOR INJURY THAT ARISES OUT OF AN ACT OR OMISSION OF THE PARENTING COORDINATOR OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (a) DURING THE PERFORMANCE OF HIS OR HER DUTIES OR DURING THE PERFORMANCE OF ANY ACT THAT A REASONABLE PARENTING COORDINATOR WOULD BELIEVE WAS WITHIN THE SCOPE OF HIS OR HER DUTIES UNLESS THE ACT OR OMISSION CAUSING THE INJURY WAS WILLFUL AND WANTON.

(b) NOTHING IN THIS SUBSECTION (7) SHALL BE CONSTRUED TO BAR A PARTY FROM ASSERTING A CLAIM:

(I) BASED UPON A PARENTING COORDINATOR'S FAILURE TO COMPLY WITH THE PROVISION SET FORTH IN SUBSECTION (8) OF THIS SECTION;

(II) RELATED TO THE REASONABLENESS OR ACCURACY OF ANY FEE CHARGED OR TIME BILLED BY A PARENTING COORDINATOR; OR

(III) BASED UPON A NEGLIGENT ACT OR OMISSION INVOLVING THE OPERATION OF A MOTOR VEHICLE BY A PARENTING COORDINATOR.

(c) (I) In a judicial proceeding, administrative proceeding, or other similar

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

proceeding between the parties to the action, a parenting coordinator shall not be competent to testify and may not be required to produce records as to any statement, conduct, or decision, that occurred during the parenting coordinator's appointment, to the same extent as a judge of a court of this state acting in a judicial capacity. ~~Nothing in this subsection (7) shall be construed to prohibit a parenting coordinator from testifying or producing records to the extent testimony or production of records by the parenting coordinator is necessary in an action by the parenting coordinator to collect fees from a party to the action.~~

(II) THIS PARAGRAPH (c) SHALL NOT APPLY:

(A) TO THE EXTENT TESTIMONY OR PRODUCTION OF RECORDS BY THE PARENTING COORDINATOR IS NECESSARY TO DETERMINE A CLAIM OF THE PARENTING COORDINATOR AGAINST A PARTY; OR

(B) TO THE EXTENT TESTIMONY OR PRODUCTION OF RECORDS BY THE PARENTING COORDINATOR IS NECESSARY TO DETERMINE A CLAIM OF A PARTY AGAINST A PARENTING COORDINATOR; OR

(C) WHEN BOTH PARTIES HAVE AGREED, IN WRITING, TO AUTHORIZE THE PARENTING COORDINATOR TO TESTIFY.

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

(8) The parenting coordinator shall comply with any applicable provisions set forth in chief justice directives and any other practice or ethical standards established by rule, statute, GUIDELINE, or licensing board that regulates the parenting coordinator.

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to claims arising, motions to compel testimony or produce records filed, or subpoenas issued on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 16, 2009