

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-15-0006
RULES 74 and 97, RULES OF)
FAMILY LAW PROCEDURE)
) **FILED 12/16/2015**
)
)
)
)
)
)
_____)

ORDER

**AMENDING RULE 97, FORMS 9-11, ARIZONA RULES OF FAMILY LAW PROCEDURE,
ON AN EMERGENCY BASIS**

A motion having been filed proposing to reopen this matter to revise Rule 97, Forms 9-11, to conform with amended Rule 74, Arizona Rules of Family Law Procedure, upon consideration,

IT IS ORDERED that Rule 97, Forms 9-11, Arizona Rules of Family Law Procedure, be amended on an emergency basis in accordance with the attachment hereto, effective January 1, 2016.

DATED this 16th day of December, 2015.

_____/s/
SCOTT BALES
Chief Justice

TO:

Rule 28 Distribution

Hon. Janet E Barton

Susan Pickard

Martin Lynch

Annette T Burns

Barry L Brody

Keith Berkshire

Terry B Decker

John Scialli

William G Klain

Helen R Davis

Alyce L Pennington

Hon. Peter B Swann

Diana G Vigil

Vicki Alger

Karen Duckworth

David M Alger

Hon. Sally Schneider Duncan

Julie A Skakoon

Kevin Pickering

Kenneth Scott Baker

Judith M Wolf

Andi J Paus

Aris J Gallios

Michael J Manola

Shebli R Geegieh

Hon. Nanette M Warner

ATTACHMENT¹

Rule 97, Arizona Rules of Family Law Procedure

Form 9. Parenting Coordinator's Report ~~and Recommendations~~

Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Daytime Phone Number: _____

State Bar Number: _____

ARIZONA SUPERIOR COURT, COUNTY OF _____

_____)

Case No. _____

Petitioner)

)

PARENTING COORDINATOR'S

_____)

REPORT ~~AND~~

Respondent)

~~RECOMMENDATIONS~~

_____)

This report contains private or confidential information and should be filed by the Court as a confidential or sealed document.

A parent has requested that this report be filed by the Court as a confidential or sealed document.

ISSUE(S):

POSITION(S) OF THE PARTIES:

OTHER INFORMATION CONSIDERED:

AGREEMENTS OF THE PARTIES:

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by strikeouts.

BINDING DECISIONS:

FINDINGS AND RECOMMENDATIONS ON OTHER RELATED ISSUES:

Date

Parenting Coordinator

ORIGINAL and a copy of the foregoing mailed/delivered/transmitted on:

_____ (date), to The Honorable _____

(the assigned judicial officer)

COPIES of the foregoing mailed/delivered/transmitted on:

_____ (date), to:

Petitioner

Attorney for Petitioner

Respondent

Attorney for Respondent

By: _____

Form 10. Order Regarding Parenting Coordinator's Report and Recommendations

ARIZONA SUPERIOR COURT, COUNTY OF _____

_____)

Case No. _____

Petitioner)

)

ORDER REGARDING PARENTING

)

PARENTING COORDINATOR'S

_____)

REPORT AND RECOMMENDATIONS

Respondent)

ARIZ. R. FAM. L. P. 74

_____)

Based on the report ~~and recommendations~~ of the Parenting Coordinator, _____

_____, (name), dated _____, and good cause

appearing,

IT IS ORDERED:

The Parenting Coordinator's report must be filed as a confidential or sealed document because it contains private or confidential information.

The ~~recommendations~~ binding decision of the Parenting Coordinator ~~are approved and~~ is adopted as an temporary order of this Court, ~~to become final on~~ _____, unless a written objection is filed before that effective this date.

Any objection that the binding decision is outside the scope of the Parenting Coordinator's authority must be filed within 20 days after the date the Parenting Coordinator's report was filed.

The ~~recommendations~~ binding decision of the Parenting Coordinator ~~are modified into~~ temporary orders as follows, to become final on _____, unless a ~~written objection is filed before that date~~ is rejected in whole:

~~See separate order.~~

The ~~recommendations~~ binding decision of the Parenting Coordinator ~~are rejected, and the~~ existing court order, dated _____, ~~is affirmed, subject to either~~ party requesting a hearing is rejected in part as follows:

Each recommendation of the Parenting Coordinator on other related issues is addressed by the Court as follows:

[] A hearing is set before _____, on _____
_____, at _____ a.m./p.m., for _____ minutes, regarding the
~~recommendations of the Parenting Coordinator, before _____~~
~~_____~~ following:

[] OTHER ORDERS:

Date

Judicial Officer

Form 11. Information for Parents Regarding the Use of Parenting Coordinators

PARENT INFORMATION FOR PARENTS REGARDING THE USE OF PARENTING COORDINATORS

~~Using a Parenting Coordinator to help make recommendations to the court about your children can be a useful alternative to repeatedly going to court.~~

Parenting coordination is a child-focused alternative dispute resolution process. The overall objective of parenting coordination is to help parents resolve issues regarding their parenting plan and legal decision-making orders so as to protect and support safe, healthy, and meaningful parent-child relationships.

A Parenting Coordinator is a professional appointed by the court to assist parents in resolving with appropriate education, experience, and expertise. The Parenting Coordinator's roles is to help parents resolve parenting disputes about parenting their children and to make recommendations to the court for orders and make binding decisions, if the parents are unable to reach a resolution an agreement on their own.

Parents may want to hire use a Parenting Coordinator when other avenues they need help with disputed issues, reducing misunderstandings, clarifying priorities, exploring possibilities for compromise, developing methods of problem resolution have not resulted collaboration in an ability to make recommendations to the court about their children parenting, and there are continued complying with legal decision-making authority and parenting time orders. By way of example, parenting challenges can include disagreements about such issues as schedules, overnight parenting time, choice of schools, about child pick-up and drop-off locations, dates, and times; holiday scheduling; discipline; health and personal care issues; school and extracurricular activities, exchanging the children, holiday

~~scheduling, the handling of the children's behavior, religious training, health issues, and ; choice of schools; and managing problematic behaviors on the part of one or both.~~

~~Before the Court can appoint a Parenting Coordinator, the parents. Many times, the family has already participated in a custody/access evaluation. Parents may must agree to use a Parenting Coordinator and agree to a specific person or the Court may appoint a Parenting Coordinator and appoint a specific person to be Parenting Coordinator of the Court's own choosing. The amount of time required with understand how the Parenting Coordinator ~~or the number of meetings with~~ charges for services. The parents must also agree to:~~

1. the manner in which the Parenting Coordinator's fees will be allocated between the parents;
2. who the Parenting Coordinator will be or the method by which the Parenting Coordinator will be ~~determined~~selected;
3. release documents to the Parenting Coordinator that the Parenting Coordinator deems necessary to the performance of services;
4. the length of the appointment; and
5. be bound by the ~~conduct of the parties.~~Parenting Coordinator's decisions.

~~When a dispute is presented, the Parenting Coordinator will help the parents reach an agreement.~~

The Parenting Coordinator will determine the ~~actual~~ number and length of the meetings that are necessary ~~for any specific~~ to resolve the issue/issues. The Parenting Coordinator will make this determination based upon the substance and complexity of the issue and the behavior of the parents.

~~When a dispute is presented to the Parenting Coordinator, the coordinator may try to assist parents in reaching a resolution.~~

The Parenting Coordinator ~~might want~~ will decide what information is needed to resolve a dispute and has the authority to get ~~other~~ information, such as the children's ~~opinion,~~ opinions and information from family members, doctors, therapists, schools, or other caretakers. ~~If the parties cannot~~

~~come to an agreement, the Parenting Coordinator then makes a recommendation to the court for an order.~~The parenting coordination process is not confidential. If a parent believes the parenting coordinator's report contains private or confidential information, the parent can ask the Parenting Coordinator to request that the report be filed by the Court as a confidential or sealed document.

~~If one parent is opposed to the recommendation, he or she can file an objection within 10 days and the court can review the recommendations. The Court may accept, modify or reject the recommendations of the Parenting Coordinator. The Court may also set the matter for hearing. In a time-sensitive situation, a recommendation of the Parenting Coordinator may be effective immediately pending approval by the court and without prejudice to the parties.~~

~~Hiring a~~The Parenting Coordinator's decision is binding upon the parents, provided that the decision is within the Parenting Coordinator's scope of authority. If a parent believes that the Parenting Coordinator's decision exceeds the scope of the Parenting Coordinator's authority, the parent may file an objection with the Court. Examples of when a Parenting Coordinator exceeds the scope of authority can be found in Rule 74(H)(3), Arizona Rules of Family Law Procedure.

~~A Parenting Coordinator is appointed for a one-year term unless the parents agree to a longer term. When a Parenting Coordinator's term expires, the parents can request that their Parenting Coordinator is a serious matter. A parenting coordinator is especially helpful for families who continue to have disagreements. Parenting Coordinators are also useful for families where parents have concerns about drugs, alcohol, abuse or the stability of the other parent.~~be reappointed. As long as the Parenting Coordinator agrees, the Court will typically grant the parents' request. A Parenting Coordinator may be appointed for a specific term. If the Parenting Coordinator feels that he or she cannot be helpful to the family, theincrease the hourly rate for services during a term of appointment.

~~The Parenting Coordinator can resign. If one~~upon notice to each parent is unhappy withorder of the Court. Both parents can jointly agree to discharge the Parenting Coordinator, that

However, neither parent cannot alone can discharge the Parenting Coordinator. If only one parent wishes to discharge the Parenting Coordinator, that parent may file a motion explaining why the Parenting Coordinator should be discharged. Disagreeing with one or more of the Parenting Coordinator's decisions will not justify the discharge of a Parenting Coordinator.

If the Parenting Coordinator acts in a manner that seems unethical or unprofessional, the parent should first talk with the Parenting Coordinator about that parent's concerns. If the parent is still unsatisfied, that parent should submit a written statement of that parent's concern to the two attorneys (if represented), the Parenting Coordinator, the child's attorney (if there is one) and to the other is encouraged to talk about those concerns with the Parenting Coordinator. A parent. A conference may be set to resolve the concerns. If the concern is still not resolved after that meeting, the parent can ask the court to have the Parenting Coordinator removed. The judge will then review can also follow the complaint and make a decision. If the Coordinator is removed, a new Parenting Coordinator may be appointed-process in Rule 74(N), Arizona Rules of Family Law Procedure.

The Parenting Coordinator's goals are somewhat different than those of a judge. A judge's job is to make orders that are based on the law, including the best interests of the children. A Parenting Coordinator's job is to assist parents in making parenting decisions in the best interests of the children and in accordance with the parenting plan, as set forth in their decree or and legal decision-making orders issued by the current court order. Whenever possible, a A major goal is to help families parents develop their skills so they do not continue to need a Parenting Coordinator. If this can be accomplished, the power to make decisions about their children is back in the hands of the parents. The parents pay the fees for the services of a Parenting Coordinator as ordered by the court. Many Parenting Coordinators request a retainer before they begin their work with a family. Before a Parenting Coordinator is appointed, the judge will decide what portion of the fee each parent will pay.

~~Using a Parenting Coordinator will usually reduce the need to go to court, and, therefore, should be cost effective. In addition, the family will usually be seen sooner by the Parenting Coordinator than the Court, resulting in quicker decisions.~~