

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
AMENDING ARIZONA CODE OF	)	Administrative Order
JUDICIAL ADMINISTRATION	)	<u>No. 2010 - 81</u>
§ 3-202: PARENT EDUCATION	)	(Affecting Administrative
PROGRAMS	)	Order No. 2001-109)
	)	

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Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration § 3-202 is amended as indicated on the attached document. All other provisions of § 3-202 as adopted, remain unchanged and in effect.

Dated this 23rd day of June, 2010.

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REBECCA WHITE BERCH  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION  
Proposal Cover Sheet**

**Section 3-202: Parent Education Program**

- 1. Effect of the proposal:** The effect of this proposal is to conform this section to revisions made in statute with the signing of SB1095.
- 2. Significant new or changed provisions:** The minimum standards regarding the length and nature of a parent education program are expanded to include information regarding the notification requirements of A.R.S. § 25-403.05(B).

This new subsection of 25-403.05 states:

A child's Parent or Custodian must immediately notify the other parent or custodian if the parent or custodian knows that a convicted or registered sex offender or a person that has been convicted of a dangerous crime against children as defined in section 13-705 may have access to the child. The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by other communication accepted by the court.

- 3. Committee actions and comments:** N/A
- 4. Controversial issues:** N/A
- 5. Recommendation:** N/A

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 3: Superior Court**  
**Chapter 2: Domestic Relations**  
**Section 3-202: Parent Education Programs**

**A. Definitions.** In this section, the following definitions apply:

“Co-parenting skills” means open dialog and cooperation between parents in decision-making regarding raising children.

“Court” means the superior court in each county.

“Parenting plan” means a written document containing an agreement between parents indicating how a child will be raised and cared for after the parents separate or divorce. A written parenting plan is required whenever parents ask the court for joint custody.

“Presenter” means a person who conducts a parent education program on children’s issues.

“Provider” means a court, political subdivision or private entity that contracts with or is approved by the court to provide domestic relations education on parent education programs.

**B. Authority.** A.R.S. § 25-351 provides:

- A. ~~On or before January 1, 1997, the~~ The superior court in each county shall adopt and implement an educational program for the purpose of educating persons about the impacts that divorce, the restructuring of families and judicial involvement have on children.
- B. The supreme court shall adopt minimum standards for educational programs. The presiding judge of the superior court in each county shall submit an educational program plan to the supreme court for approval. The plan shall be consistent with the minimum standards that are adopted by the supreme court, including the length and nature of the program, the qualifications of program providers and the means by which the program will be evaluated and maintained. Each program shall also include information regarding the notification requirements of A.R.S. section 25-403.05, subsection B.
- C. The presiding judge of the superior court or a judge who is designated by the presiding judge shall administer the program in each county and may provide or contract with political subdivisions in this state or private entities to provide the program to participants who are required to attend.

**C. Purpose.** This section provides the minimum standards for parent education programs, including the length and nature of the program, the qualifications of program providers and presenters and the means by which the program shall be evaluated and maintained.

**D. Length and Nature of the Program.**

1. The program shall be a minimum of two hours and a maximum of six hours. The program length shall be adequate to cover the program material. To the extent that each county has the resources, the program shall be available at flexible times, including evenings and weekends, and be offered early in the domestic relations litigation process.
2. All programs shall include but shall not be limited to information on the following topics which relate to the impact divorce or separation, the restructuring of families and judicial proceedings have on children:
  - Common reactions by children and parents to divorce and separation.
  - Helpful and harmful parent behaviors.
  - Communication and co-parenting skills.
  - Harmful effects on children from parental conflict, including domestic violence.
  - Children's reactions to divorce and separation at different developmental stages and warning signs of serious problems.
  - Responsibility of parents to provide emotional support and financial support to children.
  - Factors which contribute to healthy adjustment for children including the value of parenting plans.
  - Basic family court procedures.
  - Issues surrounding continued access to maternal and paternal relatives.
  - Resources in the community to obtain additional services.
  - Notification requirements of A.R.S. 25-403.05(B)
3. Parent education programs may be presented by videotape in whole or in part. The Administrative Office of the Courts (AOC) shall provide a list of videotapes approved for use in educational classes to the court in each county. All other videotapes used in parent education classes shall be submitted to and approved by the AOC prior to use.

**E. Program Presenter Qualifications.** At least one presenter involved in conducting each program shall have a graduate degree from an accredited college or university in child development, family life education, marriage and family therapy, psychology, social work, counseling or a closely related field. Any other presenters, if used, shall have a minimum of a bachelor's degree with a major in one of the stated fields or a closely related field. All presenters shall have experience working in the areas of domestic relations, family restructuring, child welfare, family dynamics and training in domestic violence issues. Presenters shall take into account the language and cultural needs of the students and when two or more presenters teach a class, at least one shall be male and one female.

**F. Program Operations.**

1. Security and class location. Each provider shall make reasonable efforts to provide a comfortable and safe environment for participants while attending the program.

2. Insurance. Non-court providers shall demonstrate proof of continuing professional and public liability insurance in an amount approved by the court and shall name the court as an additional insured.
3. Participants with disabilities. Providers and program facilities shall comply with the Americans with Disabilities Act to enable persons with disabilities to participate in the program.
4. Certificate of completion. The court may prescribe requirements necessary to facilitate proof of attendance to the court. The provider shall provide a certificate of completion to each participant. The certificate of completion shall be in a form acceptable to the court and, at a minimum, shall include the court case number, the date of attendance, the participant's name and the name, address and telephone number of the provider.
5. Attendance records. The provider shall maintain attendance records accessible by participant's name, case number and date of program completion for a period of five years from the date of program completion.
6. Assignments of litigants to different classes. Participants who are adverse parties in the same court case shall attend different classes unless both participants request attendance in the same class. Any request that both participants attend the same class shall be in writing, signed by both parties and both signatures notarized.
7. Solicitation of participants for other services. Providers and presenters shall not solicit participants for other services.
8. Competitive bidding. Parent education programs not provided by the court shall be competitively bid following applicable procurement laws and requirements.
9. Fees and surcharges. Amounts collected from persons ordered to attend education classes shall be receipted, deposited, accounted for and disbursed pursuant to statutory requirements and the Minimum Accounting Standards for Arizona Courts.

**G. Program Evaluation.** The court shall conduct an annual evaluation of each educational program and the presiding judge or designee shall prepare and forward a report to the AOC. The evaluation shall be conducted in accordance with minimum program evaluation forms provided to the superior court by the AOC (see Appendix 1).

**H. Exceptions to Standards.** Upon request of a presiding judge, the Administrative Director may for good cause grant an exception to any of these standards not required by statute.