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Regarding: R-16-0037

Petition to Amend Rule 72 of the Rules of Family Law Procedure

Would (1) preclude the trial court from appointing a family law master on its own motion without the agreement of the parties ; (2) clarify that the court may not appoint a family law master to serve as a parenting coordinator; and (3) clarify that the court may not delegate to a family law master the court's judicial authority to make decisions concerning legal decision making or parenting time

Petitioners:

Hon. Peter B. Swann
Judge, Arizona Court of Appeals

Hon. Paul J. McMurdie
Family Court Presiding Judge
Superior Court of Arizona, Maricopa County

I agree with the Amendment suggested which precludes the trial court from appointing a family law master on its own motion without the agreement of the parties, and the family law master shall not be able to serve as a parenting coordinator, and no judicial authority shall be delegated.

My further comment is inserted below:

Rule 72: Powers: The Master may deal with any issues pursuant to Title 25 A.R.S., that could be presented to the assigned Judge including post-decree matters. The Master (**who is paid by the parties, and is NOT a Judge**) shall exercise the power to regulate all proceedings in every hearing before the master and do all acts and take all the measures necessary or proper (**like what?**) for the efficient performance of the master's duties under the order. The Master (**paid for by the parties**) may require the production of evidence upon all matters embraced in the reference. (**why not, they are paid for the time...by the parties-who are deemed can "afford" to pay the compensation of the Master**) The Master rules on the admissibility of the evidence, has authority to place witnesses under oath and may examine the parties and witnesses....**it just really sounds like COURT-which is free!! oh, and with a Judge.**

BUT, if you do not agree with the Master, you can object and then do it all over again in Court-with a Judge!! And, pay your attorney again, and possibly go bankrupt.

There has not been a limit on case load numbers set for Parenting Coordinators-some having 322 people to "coordinate" in addition to their Family Law Practice...not possible. There must be no third parties and if there must be more Judges to do the work, then as Judge Swann states, fix that problem, and hire more Judges.

By all the PC Attorneys, mostly this Annette Burns attorney, who did not appear to like the Rule 74 Parenting Coordinator change, who then presented at the Arizona Bar Conference in January 2016 to teach how to now be a family "Special Master", since Families can now say NO to a Parenting Coordinator. Ms. Burns files on this forum AZCourts.gov how the courts need them/her, seriously? No, the families do not need them. She needs to stop. She is not a Judge and no one wants her to be. The families she was involved with as a Parenting Coordinator confide she was toxic to their families and children.

The attorneys appear to have an ethical code of conduct conflict of interest, as they have not disclosed their income taxes to show how much they made as a Parenting Coordinator or disclose how much they will make as a Family Special Master being an attorney, or how this forced assignment based on ability to pay Rule will benefit them financially.

What appears to be, is another invasion of third parties into families' lives that have no business to be in them at all.

The Issues that remain for Rule 72 Family "Special Masters" and [Rule 74 Parenting Coordinators as well] and have a strong necessity to be addressed are as follows:

1. No regulation of family special masters by the Judge or Courts,
2. The Courts do not keep track of assignments or limit the number of assignments, which must be recorded and available as Public Record kept by the Court and made available upon request.
3. Judicial Function shall not be assigned to an attorney, AZ State Constitution
4. No Immunity: The Family Special Master has liability and accountability for her conduct and the right of victims to receive compensation for their injuries. See Chamberlain v. Mathis, 151 Ariz. at 558, 729 P.2d at 912. The underlying concept dictating restraint in granting immunity was expressed by our supreme court as follows: There is perhaps no doctrine more firmly established than the principle that liability follows tortious wrongdoing; that where [such wrongdoing] is the proximate cause of injury, the rule is liability and immunity is the exception. The risk and expense of defending one's actions is inherent in the business of offering on the open market one's professional services.
5. Obtain a Fingerprint Clearance Card (School bus drivers have fingerprint clearance cards and also have medical clearance)

6. Family Masters shall take drug tests, and hair follicle alcohol tests, and divulge all diagnoses, medical and psychological, all results are public record (some attorneys benefit from MAP program with the AZ State Bar)
7. Must take MMPI 2, Psych Evaluations to prove safety to work with Children and Families, all results public
8. No psychopaths or other dangerous diagnoses allowed to work with children and families (some attorneys benefit from MAP program with the AZ State Bar) this is private
9. Limit assignments to 3 families, if high need, then you cannot hold 100 cases (Annette Burns), had over 150 PC cases in a year and she did not know what was going on with all them, submitted false reports to the court -no accountability for it, but damage to children and families were provided, along with protracted litigation.
10. Limit Assignment to one month
11. No communication with attorneys ex parte
12. Free family special master assistance pro bono.
13. Survey by independent company on each provider, after each meeting-like Judges except EVERY case must do the survey on the Master for effectiveness of that person.
14. Limit emails, more in person meetings, done or resolved in one month or return case to the courts
15. Not appropriate to use these people in High Conflict divorces
16. No Attorney should be allowed to be a Family Special Master, no child or family expertise
17. Redundant, upon Objection, return to Court to do it all again, and the attorneys get paid again to do it again in Court.
18. No "out" for Parents and Families who are forced into having to use these people against their agreement.
19. No process for complaints for the Judge who assigns a Family Special Master, there needs to be a disclosure such as a signed contract of who will be accountable for the complaints, misconduct, fraud on the court, and impropriety of this person, whether it be the Judge, Board of Psychological Examiners, Board of Behavioral Health, Attorney General, or Arizona State Bar.
20. No accountability when the "Master's" Recommendations are Rejected by the Judge, they should be ordered to refund the money charged for their inaccurate path/bought perceptions and be charged with Fraud on the Court.
21. Attorneys have no training/understanding in dynamics of families, a 6 hour class or checked out CD and pledging you watched it is not enough. There are specialized areas of practice for Doctors in this area.
22. Attorneys are not Judges, and they should not be able to do the Judges' job.
23. Abolish the use of these family special masters. Problem Solved.