

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-13-0058
RULE 74, RULES OF)
FAMILY LAW PROCEDURE)
)
)
)
) **FILED 9/2/2014**
_____)

**ORDER
AMENDING RULE 74, ARIZONA RULES OF FAMILY LAW PROCEDURE**

A petition having been filed proposing to amend Rule 74, Arizona Rules of Family Law Procedure, and comments having been received, upon consideration,

IT IS ORDERED that Rule 74, Arizona Rules of Family Law Procedure, be amended in accordance with the attachment hereto, effective January 1, 2015.

DATED this 2nd day of September, 2014.

SCOTT BALES
Chief Justice

Arizona Supreme Court No. R-13-0058

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TO:

Rule 28 Distribution

John A Furlong

ATTACHMENT¹

ARIZONA RULES OF FAMILY LAW PROCEDURE

Rule 74. Parenting Coordinator

A. Determination of Need for Parenting Coordinator and Appointment. Prior to, simultaneously with, or after entry of a decree, judgment, or ~~custody~~ legal decision-making or parenting time order, at the request of either party or on the court's own motion, the court may appoint a Parenting Coordinator in any proceeding under Title 25, A.R.S., involving children if it finds any of the following:

1. the parents are persistently in conflict with one another;
2. there is a history of substance abuse by either parent or family violence;
3. there are serious concerns about the mental health or behavior of either parent;
4. a child has special needs; or
5. it would otherwise be in the children's best interests to do so.

Parents may agree to use a Parenting Coordinator and agree to a specific person, subject to approval by the court, or the court may make the choice of the person to serve as the Parenting Coordinator.

B. through D. [No change in text.]

E. Powers and Scope of Appointment. The court order appointing the Parenting Coordinator shall specify the scope of the appointment. The scope may include assisting with implementation of court orders, making recommendations to the court regarding implementation, clarification, modification, and enforcement of any temporary or permanent ~~custody~~ legal decision-making or parenting time order, and making recommendations on the day-to-day issues experienced by the parties. By way of example only, these issues include disagreements around exchanges, holiday scheduling, discipline, health issues, school and extracurricular activities, choice of schools, and managing problematic behaviors by the parents or child(ren). The Parenting Coordinator shall not have the authority to make a recommendation affecting child support, a change of ~~custody~~ legal decision-making, or a substantial change in parenting time. In the event the Parenting Coordinator determines parenting or family issues or

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

circumstances exist that are significantly detrimental to the welfare of the child(ren) and that a change in ~~custody~~ legal decision-making or a substantial change in parenting time is warranted, the Parenting Coordinator may submit the Parenting Coordinator's concerns in writing to the parties and the court. Counsel are not permitted to attend parenting coordinator meetings unless agreed to by the parties and the parenting coordinator, or ordered by Court.

F. through L. [No change in text.]

COMMITTEE COMMENT [AMENDED 2007]

This rule is based on Maricopa County Local Rule 6.12, Pima County Local Rule 8.11 and Coconino County Local Rule 20. The term “Parenting Coordinator” replaces the terms “special master” and “family court advisor” previously used in Arizona based on a national trend. Further, the Association of Family and Conciliation Courts (AFCC) has promulgated guidelines for the appointment of Parenting Coordinators. The appointment of a Parenting Coordinator is appropriate when parents have ongoing conflicts related to enforcement of ~~custody~~ legal decision-making and parenting time orders, which without a Parenting Coordinator would result in protracted litigation. The appointment of such persons to assist the court is authorized pursuant to A.R.S. § 25-405, and shall also comply with the requirements of A.R.S. § 25-406. Parenting Coordinators are used throughout the country to assist in the effective resolution of the ongoing conflicts surrounding ~~custody~~ legal decision-making and parenting time issues. This rule is not intended to transfer the authority and jurisdiction of the superior court to make ~~custody~~ legal decision-making decisions or substantially modify parenting time.

For purposes of example only, and not by limitation, such short-term, emerging, and time-sensitive situations might be: 1) temporarily changing exchange day, time, or place due to an immediate need; 2) attendance at or participation in an unexpected special event or occasion by the child or a parent; 3) responsibility for care of a sick child or accompaniment to medical treatment; or 4) another unpredictable and significant need of the child or a parent.

Additional parent information regarding the use of Parenting Coordinators may be found in Form 11, Parent Information Regarding the Use of Parenting Coordinators.

COMMITTEE COMMENT [2009]

[No change in text.]