

**Parenting Coordinator Rule
Petition Review Committee (PCRPRC)
MINUTES**

May 11, 2015 - 10:00 a.m. to 2:00 p.m.
State Courts Building ♦ Conference Room 101
1501 West Washington ♦ Phoenix, Arizona 85007

Present: Judges Mark Armstrong, Janet Barton, Jeffery Bergin, and Paul McMurdie; and Kent Batty, Cheri Clark, Grace Hawkins, David Horowitz, Jerry Landau, and William Mangold

Guests: David Alger, Vicki Alger, Cynthia Aragon, Kara Ava, Kenneth Scott Baker, Amanda Barnes, Rhonda Barnes, Geoff Barness, Terry Decker, Michael Espinoza, Ingrid Garvey, Shebli Geegich, David Hamu, Martin Lynch, Michael Manola, Loren Olson, Debra Pearson, Kevin Pickering, Judge Carey Snyder Hyatt (Ret.), Judge Peter Swann, and Amber Witter

Administrative Office of the Courts (AOC) Attendees: David Byers, Kay Radwanski, Kathy Sekardi, Marcus Reinkensmeyer, Amy Love, Heather Murphy, Theresa Barrett

AOC Committee Staff: Susan Pickard, Sabrina Nash

Call to Order

The May 11, 2015, meeting of the Parenting Coordinator Rule Petition Review Committee (PCRPRC) was called to order at 10:02 a.m. by Judge Janet Barton, chair.

Introductory Comments and Review of Administrative Order 2015-13 - Judge Barton explained the purpose of the PCRPRC as contained in Administrative Order 2015-13, the modified comment period, and the rules regarding the Call to the Public.

Introduction of Members - Judge Barton welcomed PCRPRC members and asked them to introduce themselves. After introductions were made, Judge Barton explained that most of the PCRPRC members were from Maricopa and Pima Counties because a vast majority of parenting coordinators appointments arise out of these two counties.

Adoption of Rules for Conducting Business – The members received draft rules for conducting PCRPRC business in the meeting materials. Judge Barton opened the draft rules for discussion and noted that a motion and vote would be needed to adopt the rules.

Motion: Mr. Jerry Landau moved to adopt the rules for conducting committee business.
Seconded by: Dr. William Mangold **Vote:** Passed unanimously.

Approach to Task – Judge Barton stated that initially she had planned for the PCRPRC to go through the proposed rule paragraph by paragraph and review comments that were made pertaining to each. Judge Barton briefly discussed the comment filed by Judges Peter Swann and Sally Duncan, and William Klain, and opened the discussion to the members. Judge Barton then made a Call to the Public allowing those wishing to be heard to give their input prior to the PCRPRC taking action.

Taking the Call to the Public out of agenda order, eleven members of the public made comment:

1. Mr. Martin Lynch
2. Mr. Kevin Pickering
3. Mr. Terry Decker
4. Mr. David Hamu
5. Mr. Kevin Scott Baker
6. Mr. David Alger
7. Ms. Vicki Alger
8. Mr. Shebli Geegich
9. Mr. Geoff Barness
10. Mr. Loren Olson
11. Mr. Mike Espinoza

Judge Barton thanked those who spoke and reminded them that they would have an opportunity to review and comment on the amended rule petition from May 20, 2015 to June 15, 2015.

As is noted later in the minutes, a second Call to the Public was made. In all the committee received twelve comments.

Comments and Questions – Judge Barton discussed the role of the court and that of a parenting coordinator. She then asked the members if they had any comments or questions about parenting coordination, before beginning the task at hand. No comments or questions were raised.

Committee Consensus by Paragraph Regarding the Amended Rule and Comments Received

Paragraph A – Determination of Need for Parenting Coordinator and Appointment: Judge Armstrong proposed changing the title of Paragraph A to *Purpose of Parenting Coordination* to match the content of the paragraph. The members adopted the title change.

Paragraph B – Appointment of a Parenting Coordinator:

This paragraph generated a lot of discussion regarding the appointment of a parenting coordinator and the parents' ability to pay the parenting coordinator's fee. The members agreed that parenting coordinators should only be appointed in cases where the parties have stipulated to the use of a parenting coordinator. The members went further to define the agreements that must be included in the Stipulation.

The members agreed that in situations where the appointment of a parenting coordinator would cause an unreasonable financial burden, the court may appoint a parent coordinator through conciliation court services, if available.

Paragraph C – Selection of a Parenting Coordinator: After a review of comments and consideration of the new 'by stipulation only' appointment strategy, the PCRPRC decided to *remove the second and third sentences* from Paragraph C. These sentences pertained to the selection process.

Paragraph D – Persons Who May Serve as Parenting Coordinators: There were no suggested changes to paragraph D.

Paragraph E – Term of Service: The discussion of this paragraph ranged from 'if the parents can stipulate to the appointment of a parenting coordinator, they should also be allowed to stipulate to the discharge of the parenting coordinator,' to 'a one-year term is not long enough, when school issues are involved; an 18 month term would be preferable.' The following sentences were added:

The Parenting Coordinator will not be reappointed at the end of their one year term unless the parties stipulate to the reappointment.

Parties can also stipulate at any time to replace or discharge a Parenting Coordinator prior to the end of their term.

Paragraph F – Fees: Again, to conform to the ‘by stipulation only’ appointment strategy, the members deleted Part 1 (Ability to pay) in its entirety and replaced it with language that reflects the new approach. New language will read as follows:

1. *Disclosure of Fees.* – The Parenting Coordinator must fully disclose the basis of any fees and charges to the parents.
2. *Adjustment to Allocation of Fees by Parties* – The parties may stipulate to the reallocation of fees.
3. *Adjustment to Allocation Upon Recommendation of Parenting Coordinator* – As a sanction for unreasonable conduct including, but not limited to, instances where one parent is using the parenting coordination process to excessively to harass the other parent a parenting coordinator may recommend to the court a fee allocation adjustment. A parenting coordinator cannot recommend an adjustment to the allocation of parenting coordinator fees based upon a change in financial circumstances.

Paragraph H – Powers and Scope of Appointment: After much discussion and debate the PCRPRC elected to bring back the language from the original rule that described the type of issues that can be handled by a parenting coordinator. The language was deemed necessary because it succinctly describes to the parents the types of issues that can be handled by a parenting coordinator.

Paragraph I – Time Sensitive Issue Authority and Procedures:

1. *Binding Temporary Decisions* – the members decided to delete Part 1.
2. *Binding Temporary Change on an Emergency Basis* – The following language was added to Part 2 to provide clarification that the determination must be based on direct observation by the parenting coordinator rather than alleged by one of the parents:

A parenting coordinator, during the course and scope of the appointment and based upon personal observation, determines that a parent’s functioning is impaired and as a result, the parent is either incapable of fulfilling the court-ordered legal decision making or parenting functions, or will expose the children to an imminent risk of harm.

Paragraph K- Additional Authority of Parenting Coordinator: In the third sentence the members removed the court notification requirement regarding the parenting coordinator’s intention to interview or collect information from persons other than those listed, because of the costs associated with the preparation and filing the notice. The sentence was amended as follows:

“ . . . the parenting coordinator must notify each parent ~~and the court~~ in writing of any person, other than the children’s school personnel or members of the immediate and

extended family or household of both parents and the children, ***medical and mental health providers for the parents of the children. . .***”

The decision was also made to decapitalize “Order of Appointment”.

Paragraph L – Report: Judge Barton stated that the comments regarding this paragraph were that the report should be filed, which was the intent of the workgroup. At that time, the concern was that the report may contain confidential information that could be inadvertently made public should the parenting coordinator file the report with the clerk of the court. The PCRPRC agreed to clarify this paragraph with the wording that the *“judge shall file the report and if appropriate file it as a confidential report.”*

***Action:** The committee agreed that Staff, with final Chair approval, would re-work paragraph L for review at the next meeting.

Paragraph M – Court Action: The members agreed to consolidate paragraphs M, N, and O into one paragraph.

*** Action:** Judge McMurdie was selected to rework the paragraphs and provide draft to staff for dissemination.

Paragraph P – Immunity: Most of the comments regarding this paragraph were about the word ‘immunity.’ Most commenters misunderstood ‘immunity’ to mean total immunity, thereby indicating that a parenting coordinator could never be held accountable for any unlawful acts. One commenter suggested the addition of ‘civil’ before ‘immunity.’ The committee elected to leave it as is and made no changes.

Paragraph Q – Parent Grievance or Complaint against a Parenting Coordinator for Unethical or Unprofessional Conduct – Judge Barton stated that the gatekeeping function of A.R.S. §32-2081(B) regarding complaints against licensed psychologists has been amended. The licensing board for psychologists must establish a reporting system for complaints. It was determined that the committee would leave this paragraph as is as for complaints against parenting coordinators who are not covered by a regulatory agency or board.

Future Meeting Dates: May 18, 2015 at 12:30 p.m.

Call to Public: Judge Barton made a second Call to the Public. Mr. Geoff Barness spoke. Mr. Michael Manola who’d requested to speak to the committee was no longer present.

The meeting adjourned at 3:45 p.m.

**Parenting Coordinator Rule
Petition Review Committee (PCRPRC)
MINUTES**

May 18, 2015 - 12:30 p.m. to 2:30 p.m.
State Courts Building ♦ Conference Room 119 A/B
1501 West Washington ♦ Phoenix, Arizona 85007

Present: Judge Janet Barton, Cheri Clark, David Horowitz, Jerry Landau, and Judge Paul McMurdie

Telephonic: Judge Mark Armstrong, Kent Batty, Judge Jeffery Bergin, Grace Hawkins, and William Mangold

Administrative Office of the Courts (AOC) Attendees: Theresa Barrett, Dave Byers, Amy Love, Alicia Moffat, and Kay Radwanski

Guests: David Alger, Keith Berkshire, Susan Carol (telephonically), Terry Decker, Michael Espinoza, Julie Glenn, and Martin Lynch

AOC Committee Staff: Susan Pickard, Sabrina Nash

Call to Order

The May 18, 2015, meeting of the Parenting Coordinator Rule Petition Review Committee (PCRPRC) was called to order at 12:38 p.m. by Judge Janet Barton, chair.

Welcome and introduction of members: Judge Barton stated that the purpose of this meeting was to ensure that the draft rule prepared following the May 11 meeting reflects the consensus that was reached by the committee. Judge Barton suggested that the PCRPRC review each paragraph to clarify whether changes were necessary or if the paragraph indeed aligned with members' earlier consensus.

Review and Discuss Revised Rule 74 Amendment:

Paragraph A - Parenting Coordination: No changes were suggested.

Paragraph B - Appointment of a Parenting Coordinator: For consistency with another paragraph, the members agreed to add language "*that the parent has agreed by written stipulation or orally on the record*" in all paragraphs referencing 'by written stipulation.'

Jerry Landau suggested that parents *stipulate that they understand the cost of a parenting coordinator*. He also suggested adding language that requires the parents to stipulate that *they understand how the parenting coordinator bills for services and that they can afford the services of a parenting coordinator*.

To ensure that parents who would like to stipulate to the appointment of a parenting coordinator, but cannot afford the parenting coordinator's fees can do so, Judge Barton suggested that "*nothing in this rule is intended to preclude parents from requesting or a court from appointing*

parent coordination assistance through the court's conciliation services if available" be added to the last sentence.

Judge Barton also suggested that the stipulation should also include *that the parties agree to stipulate and be bound the parenting coordinators decision.*" This clarification regarding the role and authority of the parenting coordinator was added as B.6.

The committee adopted all of these suggestions by consensus.

Paragraph C - Selection of a Parenting Coordinator: A change was suggested, and adopted, to add *"a person appointed as a parenting coordinator cannot serve in any other function or role in the case except that when each parent and the parenting coordinator agree a person who is serving or has already served in a legal, treatment, evaluative, or therapeutic role in the case may be appointed as the parenting coordinator."*

Paragraph D - Persons Who Can Serve as Parenting Coordinators: There were no changes were suggested.

Paragraph E - Term of Service: At one point during the meeting it was suggested that "unless each parent and the parenting coordinator agree to a longer term" was removed from the Initial Term. Considering the 'by stipulation only' appointment strategy, the members elected to revert to the original term of service for the amended petition.

Paragraph F - Fees: No changes were suggested.

Paragraph G - Confidentiality: Kent Batty commented that the paragraph needed to be reworked to flow smoothly and cohesively. The members devised the following language:

"Therefore the communications between the following are not confidential:

- *between each parent and the parenting coordinator;*
- *between the child and the parenting coordinator;*
- *between the parenting coordinator and other relevant parties to the parenting coordination process; and*
- *with the court."*

David Horowitz asked that next to the last sentence be reworded to state, *"Counsel cannot attend parenting coordinator meetings with their client unless each parent and the parenting coordinator agree or if ordered by the court."*

The committee adopted the suggestions by consensus.

Paragraph H - Scope of Appointment and Authority: Kent Batty questioned why the words "timely manner" were only mentioned in the first sentence of paragraph H(2) but not in the later sentence referring to the efficiency of the parenting coordinator when deciding a disputed issue. Judge Barton agreed this was confusing and stated that the words should also be worked into the second sentence for clarification.

The committee adopted the suggestions by consensus.

Paragraph I - Emergency Authority and Procedure: Judge Bergin questioned whether there was a need for the emergency authority and procedure in light of law enforcement, Department of Child Safety, and Rule 48 petitions being available. Judge Barton stated that at the last committee meeting the committee agreed to leave this paragraph in and see what comments are received.

***Action:** Staff will add this discussion to the agenda for the meeting following the close of the second comment period.

Paragraph J - Report: A recommendation was made to change “*recommendation*” to “*report*.” This language change enlarges on the ‘stipulation’ concept. Because the parents have already stipulated to be bound by decisions made by the parenting coordinator, the parenting coordinator will no longer be making recommendations to the court, but will be reporting the decisions made.

The committee adopted the suggestion by consensus.

Paragraph K – Court Action: The committee agreed to table additional amendments to this paragraph temporarily until checking an administrative order and Rule 13 (D) regarding confidential or private information.

*** Action:** The members agreed that staff, with the final approval of the Chair, could make the changes necessary to clarify the proposed rule amendment.

Paragraph L - Objection: No changes were suggested.

Paragraph M – Action on Parent’s Objection: No changes were suggested.

Paragraph N – Complaints about Unethical or Unprofessional Conduct by Parenting Coordinators: There were no changes were suggested.

Paragraph O - Immunity: No changes were suggested.

Paragraph P - Applicability: No changes were suggested.

Motion: Members unanimously agreed to the following:

1. to approve the proposed amended rule as discussed at this meeting,
2. to allow the Chair to make any necessary editorial changes that do not substantively change the PCRPRC’s intent, and
3. to recommend in the amended petition that Rule 74 be repealed in its entirety and the recommended proposed language for Rule 74 be adopted.

Because members of the public were also participating on the conference call, Judge Barton took a roll call vote of the PCRPRC members who were still in attendance. **Motion passed** unanimously 8-0-0.

Call to Public: The following individuals participated in the Call to the Public:

Mr. Martin Lynch
Mr. Terry Decker
Mr. Michael Espinoza
Mr. Keith Berkshire

Next Meeting: TBD. Dates following June 15, 2015 will be explored with members to determine the next meeting date.

Meeting adjourned at 1:44 p.m.

**Parenting Coordinator Rule
Petition Review Committee (PCRPRC)
MINUTES**

June 24, 2015 – 10:00 a.m. to 2:00 p.m.
State Courts Building ♦ Conference Room 119 B
1501 West Washington ♦ Phoenix, Arizona 85007

Present: Judge Mark Armstrong, Judge Janet Barton, Cheri Clark, Grace Hawkins, Jerry Landau, William Mangold, Judge Paul McMurdie, David Horowitz (arrived late)

Telephonic: Kent Batty, Judge Jeffrey Bergin

Administrative Office of the Courts (AOC) Attendees: Theresa Barrett, Kay Radwanski, Kathy Sekardi, Alicia Moffat, Amy Love

Guests: Judith Wolf, Annette Burns, Terry Decker, Martin Lynch

Guests attending telephonically: Susan Day, Carrie Driver, Gloria Compton, Kelly Grant, David Alger

AOC Committee Staff: Susan Pickard, Sabrina Nash

Call to Order

The June 24, 2015, meeting of the Parenting Coordinator Rule Petition Review Committee (PCRPRC) was called to order at 10:03 a.m. by Judge Janet Barton, chair.

Welcome and introduction of members: Judge Barton introduced committee members present and on the phone. Judge Barton asked for public comment at the beginning of the meeting, however no comment forms were turned in.

Review and Discuss by Section Comments Received Regarding Revised Rule 74 Amendment:

Paragraph	Relevant Portion	Committee Response/Action
A. Purpose of Parenting Coordination	The section impact fully lacks acknowledgement that parents have specific rights to make decisions for their children as affirmed in such cases as <i>Pierce v. Society of Sisters</i> , 268 U.S. 510 (1925).	ARFLP Rule 74 addresses the use of a parenting coordinator as well as the parenting coordinator's role, responsibility, authority. Identifying parental rights are outside the scope of this rule. The committee voted unanimously to retain the language of paragraph A as submitted in the Amended Petition.

B. Appointment of Parenting Coordinator	<p>B.1. should read "that each parent understands how the parenting coordinator bills for services and the professional hourly rate and the clerical hourly rate that will be charged and that the parents can afford the parenting coordinator's services and if insurance will be used to cover costs;"</p>	<p>The committee voted unanimously to add ", including the parenting coordinator's hourly rate" to the language of paragraph B.1.</p> <p>The reference to "insurance" in this comment, and others below, is related to renaming "parenting coordinators" as "family counselors" for the purpose of using insurance to cover the fees. Parenting coordinators do not conduct "counseling" so the name change would be a misnomer and could lead to insurance companies misunderstanding the services being provided.</p>
	<p>B.3. should read "the method by which the parenting coordinator will be selected and whether cost will be used as a factor or the name of the agreed-upon parenting coordinator and whether insurance will be used to cover costs;"</p>	<p>The committee voted unanimously to retain the language of paragraph B.3. as submitted in the Amended Petition.</p> <p>The reference to "insurance" in this comment, and others below, is related to renaming "parenting coordinators" as "family counselors" for the purpose of using insurance to cover the fees. Parenting coordinators do not conduct "counseling" so the name change would be a misnomer and could lead to insurance companies misunderstanding the services being provided.</p>
	<p>B.4. should read "that the parents agree to the release of documents the parenting coordinator deems necessary to the performance of the parenting coordinator's services to aid in the specific conflict resolution brought before the parenting coordinator (the release agreement is not meant for 'fishing expeditions' to investigate</p>	<p>The members agreed that adding the term "specific" and the parenthetical statement regarding fishing expeditions is unnecessary. Any investigation undertaken by the parenting coordinator must be within the scope and authority of appointment and limited to the issue for which assistance was sought.</p> <p>The committee voted</p>

<p>general behavior(s) of either parent);"</p>	<p>unanimously to retain the language of paragraph B.4. as submitted in the Amended Petition.</p>
<p>B.6. should read "that the parents agree to be bound by decisions made by the parenting coordinator that fall within the scope of the parenting coordinator's authority and relate to ONLY issues submitted to the parenting coordinator for decision; and "</p>	<p>Members agreed that the addition of "only" would be redundant. The committee voted unanimously to retain the language of paragraph B.6. as submitted in the Amended Petition.</p>
<p>New B.7. should read "7. that parents acknowledge parenting coordination can be provided through the court's conciliation services."</p>	<p>Adding this new paragraph would require all locations of the Superior Court to provide parenting coordinator services through conciliation court services. Not all Superior Court locations offer conciliation court services, and not all locations that do offer conciliation court services provide parenting coordinator services. The concept of this new paragraph is captured in the last unnumbered paragraph of B as follows: "Nothing in this rule is intended to prevent parents from requesting, or a court from appointing, parenting coordination assistance through the court's conciliation court services, if available. Parents obtaining parenting coordinator services through the court's conciliation court services must agree to subdivisions 4 - 6 above."</p>
<p>I urge the Supreme Court to reject section B and allow the trial court to appoint a PC over the objection of one or both the parents, upon making a finding that the parents have an ongoing conflictual parenting relationship, which had or has the potential to adversely affect the child and</p>	<p>As was noted in the comment from Judges Peter B. Swann and Sally Duncan and William G. Klain, a judge should decide who decides, not make the decision. The parenting coordinator process works best with buy-in from both sides. If an ongoing</p>

	<p>therefore, is in the child’s best interest. Additionally, the court must be required to review current financial information of the parents to determine the ability of one or both of the parents to pay for the services of the PC and to initially allocate the payment of PC services based on the financial situation of the parents.</p>	<p>conflictual parental relationship that has or has the potential to adversely affect a child exists, and the parents cannot agree to the appointment of a parenting coordinator, sole legal decision-making may be in the best interest of the child.</p> <p>The committee voted unanimously to retain the concept of appointment by stipulation only.</p>
	<p>I urge the Supreme Court to reject the portion of Section B that requires the parents to be bound by the decision of the PC. The right to due process (including the review of a “judicial- like” decision) is the foundation of our system of justice. Without this right of review, I suggest that a PC should conduct proceedings “on the record.”</p>	<p>The committee recognized that if the parties stipulate to be bound by the parenting coordinator’s decision due process is not violated by holding the parties to that stipulation and limiting judicial review to circumstances where the parenting coordinator’s decision exceeded the parenting coordinator’s scope and authority. The committee analogized this stipulation to a plea agreement scenario where a defendant agrees, or in essence, stipulates to waive certain constitutional rights.</p> <p>Each parent retains the ability to object to a parenting coordinator’s decision if the decision exceeds the parenting coordinator’s scope and authority or if the parenting coordinator addresses issues that were not identified by the parents.</p> <p>Recording parenting coordinator proceedings could increase the cost of the service. Members expressed concern that a child could be harmed by being exposed to the recording at a later date.</p> <p>The vote by the committee to add a specific provision regarding the right to review or record the proceedings unanimously failed.</p>

<p>I recommend that the court reject paragraph 3 in its entirety, and amend the rule to state, “Appointment of a parenting coordinator is appropriate only when the parents agree to the appointment or when the services of the parenting coordinator can be provided by the court with no more than <i>de minimis</i> cost to the parents. This agreement of the parents should not be construed to affect in any way the rights of the parents to due process or appeal.”</p>	<p>This comment is quoted from <i>Swann, et al.</i> The committee agrees that the appointment of a parenting coordinator should be by parental stipulation only. For courts that offer parenting coordination through an existing conciliation court services, the '<i>de minimis</i> cost' is addressed. That said, this committee cannot require a court to 1) establish a conciliation court and 2) provide parenting coordination services, if those services do not already exist.</p>
<p>The primary role that the family counselor, FC, should have is the trained and therapeutic de-escalation of conflict in a number of ways that are an integral part of any social worker / psychotherapist tool kit. In instances where the parents cannot agree, the family counselor is empowered to make decisions that have a clear positive, therapeutic option. Where the FC cannot see a clear logical benefit for one party or the other he/she shall flip a coin or have a parent flip a coin and have the other parent call it. If the calling parent calls it correctly, that parent's choice is implemented. Otherwise the other parent's choice will prevail.”</p>	<p>If the skills of a family counselor are needed to de-escalate parental conflict, there are other options available to parents.</p> <p>Some parents may benefit more from the skills of an attorney who offers parenting coordinator services. This change would unreasonably limit the parents' options.</p> <p>Like statutes, the rules of court are not intended to micromanage a process. Directing a parenting coordinator to flip a coin for decisions where both parents have a valid and reasonable basis for the position each parent is taking, while fair, is micromanaging and not beneficial to the child or the parents.</p> <p>Amendments based upon this comment would be outside the scope of the committee's charge.</p>
<p>The following language should therefore be appended, “Those parents unable to make joint decisions should be reminded that joint legal-decision-making may be in jeopardy, or the</p>	<p>ACTION ITEM: The committee unanimously voted to table this discussion until its review of the Order of Appointment and Form 11, Parent Information Regarding</p>

	<p>court may need to modify a parenting plan to conform to the best interests of a child. This will be included in the form letter provided to both parents. All attorneys of the parents have a duty to provide this information to their clients.”</p>	<p>the Use of Parenting Coordinators.</p>
	<p>The Committee should add to the mandatory elements a statement of the hourly rate of the proposed Parenting Coordinator.</p>	<p>The committee voted unanimously to add ", including the parenting coordinator's hourly rate" to the language of paragraph B.1.</p>
	<p>The issue I have with the changes to the PC Rule is that it makes PC's into arbitrators, with no judicial oversight on their orders. The Court should continue to allow hearing and judicial oversight of all PC rulings and amend the rule accordingly.</p>	<p>Court oversight continues through the report, court action and objection processes of paragraphs J, K and L.</p>
<p>C. Selection of a Parenting Coordinator</p>	<p>No comments.</p>	
<p>D. Persons Who May Serve as Parenting Coordinators</p>	<p>Remove "an attorney who is licensed to practice law in Arizona;"</p>	<p>The ability to mediate and arbitrate are not skills solely inherent in family therapy or child psychology. Some parents may benefit more from an attorney parenting coordinator than others. It depends upon the parents.</p> <p>Asking the parents to identify the parenting coordinator, or a short list of parenting coordinators, they wish to use in the stipulation ameliorates the issue of perceived conflict, bias or impropriety.</p> <p>Outside of the parenting coordinator process, the parents have always had, and will continue to have, the ability to consult with an agreed upon third party. This person can be identified while they are preparing the parenting plan or outside the court process at the time an issue arises.</p>
	<p>Attorneys should be removed from the list of person who may serve. Attorneys are not trained in family therapy or child psychology. A family counselor with training in that field has a tool kit for helping families in a constructive way that no attorney can bring to the families aid.</p>	
	<p>"a person with education, experience, and expertise who is deemed qualified by the court's presiding judge or designee" should be removed and replaced with "a person agreed upon by the parties as a third party decider of issues that cannot be agreed upon by the parties."</p>	
	<p>It should be included in Rule 74 that no retired judicial officer (Judge, Commissioner) shall be allowed to be a family court special master, or more</p>	

		specifically a parenting coordinator. This is definitely a conflict, bias, and impropriety.	The committee voted unanimously to retain the language of paragraph D as submitted in the Amended Petition.
E. Term of Service			
	1. Initial Term	Remove "unless each parent and the parenting coordinator agree to a longer term" I suggest that the rule be amended to read that the initial term be no longer that "two years."	When the Superior Court in Pima County, through the Conciliation Court, started its parenting coordinator program, it set the initial term at two years. Through experience the court has learned that most parents can resolve their issues in one year. One year is now the presumptive term. Because parents have the ability to agree to a longer term, and to reappoint the parenting coordinator, the committee voted unanimously to retain the language of E.1. as submitted in the Amended Petition.
	2. Reappointment	Add "(w/ written signatures) between "in writing or orally" and "on the record in open court." The PC should be allowed to request reappointment unless both parents object to the PC's reappointment. Before applying for reappointment, the PC must be required to meet with the parents regarding the reappointment. The request for reappointment must be copied to the parents and note if either parent objects. A parent who objects to reappointment should have 10 days to file an objection to the reappointment after the PC has applied for reappointment. Most times the parents do not calendar the end of the appointment. Therefore, they are not aware that the PC's appointment has terminated until they bring a matter to the PC for	"In writing" assumes the parents would have signed the agreement. On the record in open court has the effect of a signature. ACTION ITEM: The committee voted unanimously to table this discussion until its review of the Order of Appointment. The consensus was that a parenting coordinator should not apply to the court for reappointment, but that the responsibility for requesting the parenting coordinator's reappointment lies with the parents. The members agreed that the parenting coordinator could send a 30-day notice of term expiration to the parents and the court. The best placement for this information was deemed to be the Order of Appointment.

		decision. Often, there is insufficient time to get a reappointment to timely address a time emergent matter.	
	3. Replacement of the Parenting Coordinator	No comments.	
	4. Resignation	No comments.	
	5. Discharge	Add "; a formal complaint submitted to the Parenting Coordinator's applicable licensing or regulatory board by either parent does constitute good cause."	Members expressed concern that an unsubstantiated complaint could nullify the stipulation, leading to possible abuse of the complaint process. The committee took no action on this comment.
		Change "if only one parent wishes to discharge the parenting coordinator, that parent must file a motion with the court." to "If just one parent wishes to discharge the parenting coordinator, that parent must file a motion with the court that establishes good cause for the discharge. The court will grant an expedited hearing for said purpose. "	This comment says the same thing as E.5. but in a different way and mandates an expedited hearing. The discharge of a parenting coordinator does not warrant an expedited hearing. The committee took no action on this comment.
		Delete "Mere disagreement with one or more of the parenting coordinator's decisions will not constitute good cause for discharging the parenting coordinator."	The committee voted to amend paragraph E.5. as follows: "Disagreeing with one or more of the parenting coordinator's decisions does not constitute good cause for discharging the parenting coordinator."
		The Committee should add additional protections such as allowing either party to end the appointment of the PC at any time prior to the 4th in-person meeting (or the 61st day after the first issue discussion for PCs who do not meet in person). This should be an absolute right similar to noticing a judge.	The parents can agree to a replacement of the parenting coordinator at any time during the term. This language would limit the parents' ability to do so. The committee took no action on this comment.
		Committee designate that either party may end the term of the PC if the PC alters their hourly rate unless both parties stipulate in writing.	The committee voted unanimously to amend paragraph F.1. by adding "A parenting coordinator cannot increase the parenting

			<p>coordinator's hourly rate during a term of appointment." Members indicated that if a rate change was needed, it should occur before reappointment and be included in the stipulation for reappointment.</p>
F. Fees		4. Require a minimum 30% cost share.	The committee took no action on this comment.
1. Disclosure of Fees		Should read "Disclosure of Fees. The parenting coordinator must fully disclose all fees and charges to each parent before the stipulation agreement is ordered and services requiring payment can begin. The hourly fees and charges must be known to the parties prior to the stipulation agreement being ordered by the court."	Because the parents should be conducting research about any parenting coordinator they are selecting or adding to their short list, this and other information should be known well in advance of preparing the stipulation.
		The Committee should change this subsection to state that the judicial officer is not allowed to accept a stipulation for appointment as a PC unless the PC's fees have been fully disclosed in writing and the parties explicitly agree. Further, the subsection should explicitly prohibit the PC from raising fees to the parties during the duration of the appointment unless both parties agree to an amended stipulation.	<p>Because the parents should be conducting research about any parenting coordinator they are selecting or adding to their short list, this and other information should be known well in advance of preparing the stipulation.</p> <p>The committee voted unanimously to amend paragraph F.1. by adding "A parenting coordinator cannot increase the parenting coordinator's hourly rate during a term of appointment." Members indicated that if a rate change was needed, it should occur before reappointment and be included in the stipulation for reappointment.</p>
2. Adjustment to Allocation of Fees by Parents		No comments.	
3. Sanctions and Reallocations of Fees		Add "A hearing must be set to determine if the parties agree to the new allocation of fees moving forward" as the last sentence.	<p>The committee amended paragraph F.3. to include "The court must hold a hearing before reallocating fees." The committee's intent with</p>

		<p>this paragraph was not to change the allocation going forward, but to change the allocation of the fees charged for service already provided.</p>
	<p>Specifically I recommend that language be added to this subsection by which a party may request in writing to the PC reallocation of fees and their reasoning for the reallocation. The rule should then require the PC to make a report to the Court agreeing or opposing the request and the PCs reasoning and evidence for their stated position.</p>	<p>The committee voted unanimously to amend paragraph F.3. to allow a parent or parenting coordinator to recommend to the court, as a sanction, an adjustment to the allocation of the parenting coordinator's fees.</p>
G. Confidentiality	<p>Remove "The parenting coordinator can meet with counsel separately to obtain information relevant to the issue before the parenting coordinator." and Add "No Ex-Parte communications is allowed between the Parenting Coordinator and either Parties' attorney."</p>	<p>The committee voted unanimously to retain the language of paragraph G as submitted in the Amended Petition.</p>
H. Scope of Appointment and Authority	<p>H.1.a. - Remove "helping the parents identify disputed issues,"</p>	<p>The committee voted unanimously to amend H.1.a. removing "helping the parents identify" and replacing it with "helping the parents to address ..."</p>
	<p>H.1.d. should read "interviewing and requesting documentation from anyone who has relevant information necessary to resolve the SPECIFIC matter currently before the parenting coordinator; and"</p>	<p>Adding the term "specific" is redundant. The committee voted unanimously to retain the language of paragraph H.1.d. as submitted in the Amended Petition.</p>
	<p>H.1.e. remove entirely.</p>	<p>The committee voted unanimously to retain the language of paragraph H.1.e. as submitted in the Amended Petition.</p>
	<p>Add new H.4. "All conferences shall be recorded. All interactions with children shall be videotaped. Said recording copies shall be shared with each parent at the end of sessions.</p>	<p>The committee's vote to add the suggested new paragraph H.4. failed unanimously. Members expressed concerns about requiring that all parenting</p>

	<p>Failure to do so shall result in a fine of \$2,000, half payable to the court, the other half divided equally between the parents per occurrence."</p>	<p>coordinator sessions be recorded. Foremost in their minds was the possibility of the recording be used to harm the child.</p>
	<p>Section H (2): The following language should be deleted: "If the parents are unable to reach agreement, the parenting coordinator will decide any disputed issues within the scope of the parenting coordinator's authority in a timely manner". This language improperly removes from both parents their affirmative right to make decisions for their children. Involvement of a PC does not and cannot revoke such a right and confer it to a PC.</p> <p>Explicitly enumerate in the Rule that any party or participant in the PC process has the explicit and irrevocable right to record any session, proceeding, or other contact.</p>	<p>The committee's vote to amend H.2. as suggested failed unanimously.</p>
<p>I. Emergency Authority and Procedure</p>	<p>I object to the PC having emergency authority to make an emergency change legal decision-making or parenting time orders. Rule 47 and 48 provides a procedure for a parent to seek emergency court orders, even without notice. The PC should have the authority to recommend to the Court a change in legal decision making or parenting time, but not to make the decision. In some cases that decision would be irreversible. For example, one parent is Christian Scientist and one is not. The non-Christian Scientist wants a medical procedure which is time urgent and the other objects. If the PC decides that the non-Christian Scientist parent makes the decision, there is no recourse from the court for the other parent. This is putting the PC in</p>	<p>Paragraph I has been completely rewritten to provide an option other than giving the parenting coordinator the authority to make a temporary emergency change to legal decision-making or parenting time. If this paragraph is adopted by the court, the parenting coordinator, in an emergency situation, will be authorized to file a motion for temporary orders without notice as permitted in Rule 48. The court must accept the motion for filing. A parent must subsequently file the underlying petition to modify.</p>

	<p>the ultimate “super parent” role, which should not be sanctioned.</p>	
	<p>This section should be removed in its entirety. A provider already has multiple means to invoke authorities if an immediate danger is perceived, including police and DCS. Since an attorney can be a PC, such a PC would have no additional basis than a reasonable person for ripping children from a parent's home. Even with a mental health professional as a PC, the contact they have with family is so limited that giving them such sweeping authority to disrupt a family by immediate removal of a child is completely unreasonable. The existing pathways of reports to police and/or DCS are sufficient and far more properly supervised.</p>	
<p>J. Report</p>	<p>Add New J.3. "Any decision or communication by the FC to the court must be filed by the court. If the contents are of such nature that public revelation will be harmful, the filing can be sealed. "</p>	<p>"Sealing" means that even the judge on the case cannot access the document. Marking a document as "Confidential" allows the court, parents and counsel, if represented, access to the document while prohibiting access by the public. The requirement for the court to file the report is contained within paragraph K.</p>
	<p>The Court should require that a provider keep a record of each issue, with information on:</p> <ul style="list-style-type: none"> • Which party raised the issue, • When discussions were held with the duration and venue • Whether the issue was decided in favor of the party who raised the issue. <p>These elements are normally recorded by providers, whether attorneys or behavioral health providers, so such a requirement should not be an additional</p>	<p>The members expressed that parenting coordinator process abuses should be reduced due to the parents entering into the process by stipulation. The committee voted unanimously to retain the language submitted in the Amended Petition.</p>

	<p>burden. Parties should have a right to receive a copy upon request such that a summary record of the use of the PC's services by a party is readily available to demonstrate whether the parties are acting in good faith and whether the PC is properly screening requests rather than just making money by encouraging use of his/her services.</p>	
K. Court Action	<p>The following should be added to the first paragraph. No <i>sua ponte</i> appointments of family counselors by the court are permitted.</p>	<p>Because the committee has determined that parenting coordinators will be appointed only upon stipulation of both parents, this statement is unnecessary.</p>
L. Objection	<p>The statute of limitations should be removed. There should be no statute of limitations arbitrarily applied to a family counselor (PC) who exceeds his/her authority. Certainly ten business days appears to make it virtually impossible for Pro Per litigants to file an objection, especially given that mail time is involved, and in addition, mail may not be read immediately or a person may be on assignment for work or on vacation, etc. This could be seen as actively denying the right to appeal or making an appeal substantially more difficult as it would now add consideration of the viability of the Rule 74 constraints on access to the court.</p>	<p>The members agreed that 10 business days may be an insufficient amount of time for a parent to file an objection. The committee voted unanimously to amend "10 business days" to "20 days," implying calendar days.</p>
	<p>This section in effect removes the right to judicial oversight present in the current Rule. As pointed out in other comments, removing such universal oversight by the judicial officer is an unconstitutional infringement of the parties' rights and also illegally vests in the PC judicial powers that the Court cannot delegate. The current right to</p>	<p>As was noted in the comment from Judges Peter B. Swann and Sally Duncan and William G. Klain, a judge should decide who decides, not make the decision. The parenting coordinator process works best with buy-in from both sides. If an ongoing conflictual parental relationship that has or has the potential to</p>

	object should be preserved in its entirety.	adversely affect a child exists, and the parents cannot agree to the appointment of a parenting coordinator, sole legal decision-making may be in the best interest of the child. The committee voted unanimously to retain the concept of appointment by stipulation only.
M. Action on Parent's Objection	Any action by the court on a parenting coordinator's report that substantially impacts existing court orders, or denies a request for a substantial change in existing court orders, should trigger a mandatory hearing upon request by either party. Also add, "A mandatory expedited hearing will be triggered at the request of either party when malfeasance has been claimed on the part of the FC."	In the amended rule, parenting coordinators will not have the authority to make recommendations that would substantially change existing legal decision-making or parenting time orders. Therefore, there is no need for the triggering of a mandatory expedited hearing.
N. Complaints about Unethical or Unprofessional Conduct by Parenting Coordinators	No Comments.	
O. Immunity	<p>Parenting Coordinators should not have immunity.</p> <p>The court should be able to hear a complaint about a PC's conduct - I am for 'quasi-immunity' for the PC position.</p> <p>Replace entire paragraph with "The family counselor has civil immunity only as it relates to the duties consistent with the appointment order. There is no immunity as it relates to violations of criminal or ethics violations. The court will report any possible violations of law or ethics by the family counselor as required by 17A A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct, Rule 2.15 including Comments 1 and 2. The Court will make it clear to the entity governing the family counselor that it expects a</p>	<p>The committee believed that existing law, rather than the committee or Rule 74, should dictate what immunity, if any, the parenting coordinator has. Thus, the committee voted unanimously to retain the language as submitted in the Amended Petition.</p> <p>The committee voted unanimously to retain the language as submitted in the Amended Petition.</p>

	<p>thorough investigation regardless of the relationship with the court or the family counselor. Criminal violations shall be reported to the county attorney or appropriate authority governing prosecution of criminal matters with clear instructions to not consider the judicial relationship in their response to the matter.”</p>	
	<p>As previously stated by others in comments, clarity should be given to the fact that the immunity conferred is civil immunity and that criminal immunity is not implied.</p>	
<p>P. Applicability</p>	<p>No Comments.</p>	
<p>Effective Date</p>	<p>Add "Current Parenting Coordinator orders prior to 2016 can be updated to this rule if one party motions for the new rules to apply to their case."</p> <p>Replace with "Effective date. This rule applies to any appointment or reappointment of a parenting coordinator that occurs on or after the effective date which should be as early as possible given the damage being done to children and families, the due process issues of current practice, current lack of oversight, appeals issues, and behavioral concerns by current practice."</p> <p>Providing anything other than immediate right to end an existing PC appointment upon adoption of this Rule creates an unequal, two-tiered system for those already having a PC. The proposed Rule should specifically add the right to end upon motion any existing PC appointment under the previous Rule, allowing the parties to move forward with consideration of appointment of a PC under the proposed Rule when adopted.</p> <p>I disagree with any delayed start date to the new Rule. In fact,</p>	<p>To allow the effect of this rule amendment to be retroactive would cause extreme confusion and abruptly end service for parents who want and need the service and who may be in the middle of resolving an issue.</p> <p>Reappointment of a parenting coordinator at the end of the current term of appointment was envisioned to fall within the updated rule.</p> <p>The committee voted unanimously to retain the language regarding the effective date as it was submitted in the Amended Petition.</p>

	<p>it should be placed in effect immediately when approved, in September of 2015. Additionally, it should not allow the continued appointment after the rule is in effect. This would create confusion for the courts and litigants to have some on a different and unequal playing field.</p>	
	<p>Amend as follows: Effective date. This rule applies to any appointment or reappointment of a parenting coordinator that occurs on or after the effective date of the 2016 amendment of the rule. ALL PARENTING COORDINATION APPOINTMENTS MADE PRIOR TO JANUARY 1, 2016 CONTINUE TO BE GOVERNED BY THE PRIOR VERSION OF RULE 74 FOR THE REMAINING TERM OF THAT APPOINTMENT.</p>	
<p>Overall</p>	<p>Reiterated PC complaints from an online source</p>	<p>Suggested improvement could not be identified.</p>
	<p>Notice of Claim of Unconstitutionality of all existing and proposed versions of ARFLP Rule 74 per A.R.S. 12-1841 to be processed via Appellate Action CV 15-0319.</p>	<p>No relevant content.</p>
	<p>Parenting coordinators are failing to do the very thing they were appointed by the court to do.</p>	<p>Suggested improvement could not be identified.</p>
	<p>The problem is not with the rule but with the manner in which some judges on the Maricopa County Family bench have executed the rule.</p>	<p>Suggested improvement could not be identified.</p>
	<p>The term Parenting Coordinator should be abolished and replaced with Family Counselor for insurance purposes.</p>	<p>Not within the scope of the Committee's charge.</p>
	<p>Require that the Court maintain accurate, easily available records for each PC of</p>	<p>This comment suggests an administrative action that is not</p>

	complaints and actual disciplinary actions. Create and maintain a public system of reviews of PCs.	appropriate content in rules of court.
	Request for the court to replace Judge Barton with Judge Swann.	Not within the scope of the Committee's charge.

Approval of May 11, 2015 Minutes

Motion: Mr. Mangold moved to approve the May 11, 2015 meeting minutes. **Seconded by:** Judge McMurdie. **Vote:** unanimous.

Approval of May 18, 2015 Minutes

Motion: Mr. Mangold moved to approve the May 18, 2015 meeting minutes. **Seconded by:** Judge McMurdie. **Vote:** unanimous.

Call to Public: The following individuals participated in the Call to the Public:

1. Mr. Terry Decker
2. Mr. Martin Lynch

Amended Rule

By consensus, the members agreed that Judge Barton could make grammar and punctuation, but not substantial changes to the amended rule for purposes of preparing the Reply for review and approval at the next PCRPRC meeting.

Next Meeting: July 9, 2015, 2:00 p.m.

Motion: Mr. Landau moved to allow staff to make arrangements necessary for a telephonic meeting on July 9, 2015 to begin at 2:00 p.m. **Seconded by:** Grace Hawkins. **Vote:** Passed unanimously.

Meeting adjourned 2:07 p.m.

**Parenting Coordinator Rule
Petition Review Committee (PCRPRC)
MINUTES**

July 9, 2015 – 2:00 p.m. to 3:00 p.m.
State Courts Building ♦ Conference Room 331
1501 West Washington ♦ Phoenix, Arizona 85007

Present: Judge Janet Barton, chair, Judge Mark Armstrong

Telephonic: Kent Batty, Judge Jeffrey Bergin, David Horowitz, Jerry Landau, William Mangold, Judge Paul McMurdie

Absent: Cheri Clark, Grace Hawkins

Administrative Office of the Courts (AOC) Attendees: Theresa Barrett, Kay Radwanski, Kathy Sekardi

AOC Committee Staff: Susan Pickard, Sabrina Nash

Call to Order

The July 9, 2015, meeting of the Parenting Coordinator Rule Petition Review Committee (PCRPRC) was called to order at 2:02 p.m. by Judge Janet Barton, chair.

Welcome and introduction of members: Judge Barton introduced committee members present and on the phone.

Approval of June 24, 2015, Minutes

Motion: Mr. Landau moved to approve the June 24, 2015, meeting minutes. **Seconded by:** Judge Armstrong. **Vote:** unanimous.

Discussion Regarding Draft Reply and Proposed Amended Rule:

The members discussed and agreed to a few minor edits to the amended rule in the Reply's appendices for grammar, clarity and ease of reading.

Motion: Mr. Landau moved to approve the Reply and appendices. **Seconded by:** Mr. Batty. **Vote:** Passed unanimously.

Call to the Public: No member of the public in attendance. No Public Comment Forms submitted.

Meeting adjourned 3:00 p.m.

Next Meeting: TBD

**Parenting Coordinator Rule
Petition Review Committee (PCRPRC)**

MINUTES

September 30, 2015

Present: Joi Hollis, Kent Batty, William Mangold, Judge Jeffrey Bergin, Judge Janet Barton, Cheri Clark, David Horowitz, Judge Paul McMurdie, Jerry Landau, Judge Mark Armstrong

Telephonic: Casey Jones, guest

Administrative Office of the Courts (AOC) Attendees: Kathy Sekardi, Theresa Barrett

AOC Committee Staff: Susan Pickard, Sabrina Nash

Call to Order

The September 30, 2015, meeting of the Parenting Coordinator Rule Petition Review Committee (PCRPRC) was called to order at 10:07 a.m. by Judge Janet Barton, chair.

Welcome and introduction of members: Judge Barton welcomed Ms. Joi Hollis, who replaces Grace Hawkins who retired. She then introduced the rest of the workgroup and the people on the phone.

Approval of July 9, 2015, Minutes

Motion: Judge Paul McMurdie moved to approve the July 9, 2015, meeting minutes.

Seconded by: Mr. Kent Batty. **Vote:** unanimous.

Parent Information Sheet: Proposed changes to the revised parent information sheet that were submitted by committee members were discussed. The role of the parent coordinator and the information parents requesting a coordinator needed to be aware of to make an informed decision were considered. The revised Parent Information Sheet is attached for review.

Motion: Judge Jeffrey Bergin moved to approve the changes to the Parent Information Sheet.

Seconded by: Mr. David Horowitz. **Vote:** unanimous.

Draft Order Appointing a Parenting Coordinator: The committee discussed if a decision had been made to have one universal order statewide and it was noted that the idea of the draft order was for it to be a template that the courts could use. In drafting the Order the committee incorporated the language from Rule 74 or referenced Rule 74 in the order where appropriate. The proposed Order is attached for review.

Motion: Judge Mark Armstrong moved to accept the changes to the Order. Seconded by: Mr. Kent Batty. **Vote:** unanimous.

Amend ARFLP Forms 9, 10 and 11: The committee voted unanimously to combine forms 9-10 into one comprehensive form at a future date to be determined.

Call to Public

There were no members of the public present.

Meeting adjourned at 1:52 PM

Next meeting: TBD

INFORMATION FOR PARENTS REGARDING THE USE OF PARENTING COORDINATORS

Parenting coordination is a child-focused alternative dispute resolution process. The overall objective of parenting coordination is to assist parents with implementation, compliance, and timely conflict resolution regarding their parenting plan and legal decision-making orders so as to protect and sustain safe, healthy, and meaningful parent-child relationships.

A Parenting Coordinator is a professional with appropriate education, experience, and expertise who will assist parents in resolving disputes about parenting their children and make binding decisions, if the parents are unable reach an agreement.

Parents may employ a Parenting Coordinator when they need help in addressing disputed issues, reducing misunderstandings, clarifying priorities, exploring possibilities for compromise, developing methods of collaboration in parenting, and complying with legal decision-making authority and parenting time orders. By way of example, parenting challenges can include disagreements about pick-up and drop-off locations, dates, and times; holiday scheduling; discipline; health issues; personal care issues; school and extracurricular activities; choice of schools; and managing problematic behaviors.

Before the Court can appoint a Parenting Coordinator, the parents must agree that they want a Parenting Coordinator and that they understand how the Parenting Coordinator bills for services; and have agreed to:

1. the manner in which the Parenting Coordinator's fees will be allocated between the parents;

2. the method by which the Parenting Coordinator will be selected or the name of the agreed-upon Parenting Coordinator;
3. release documents to the Parenting Coordinator that the Parenting Coordinator deems necessary to the performance of the Parenting Coordinator's services;
4. the length of the appointment; and
5. be bound by the Parenting Coordinator's decisions.

When a dispute is presented, the Parenting Coordinator will attempt to facilitate agreement between the parents. The Parenting Coordinator will determine the number and length of the meetings that are necessary to resolve the issue. The Parenting Coordinator will make this determination based upon the behavior of the parties and the complexity of the issue. The parenting coordination process is not confidential.

The Parenting Coordinator decides what information is needed to resolve a dispute and has the authority to get information such as the children's opinion, information from family members, doctors, therapists, schools or other caretakers.

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. A Parenting Coordinator cannot increase the Parenting Coordinator's hourly rate during a term of appointment.

When a Parenting Coordinator's term expires, the parents can request that their Parenting Coordinator be reappointed. As long as the Parenting Coordinator agrees, the Court will typically grant the parents' request.

The Parenting Coordinator can resign upon notice to each parent and order of the Court. Neither parent 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 is not enough to justify the discharge of a Parenting Coordinator. Both parents, however, can jointly agree to discharge the Parenting Coordinator.

If the Parenting Coordinator acts in a manner that seems unethical or unprofessional, the parent is encouraged to first talk with the Parenting Coordinator about that parent's concerns. A parent can follow the complaint 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. A major goal is to help families develop their skills so they do not 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.



Parenting Coordinator Rule Petition Review Committee (PCRPRC)

MINUTES

October 29, 2015 – 10:00 a.m. – 12:00 p.m.
State Courts Building, Conference Room 331
1501 West Washington Phoenix, Arizona 85007

Present: Judge Janet Barton, Jerry Landau, Judge Mark Armstrong, Cheri Clark

Telephonic: Kent Batty, Joi Hollis, Judge Jeffrey Bergin, William Mangold

Excused: Judge Paul McMurdie, David Horowitz

Guests: Ann S. Blanchard, John L. Savino

Administrative Office of the Courts (AOC) Attendees: Theresa Barrett

AOC Committee Staff: Susan Pickard, Sabrina Nash

Call to Order: The October 29, 2015, meeting of the Parenting Coordinator Rule Petition Review Committee (PCRPRC) was called to order at 10:04 a.m. by Judge Janet Barton, chair.

Welcome and introduction of members: Judge Barton called the meeting to order and introduced members present and on the phone. Her honor also welcomed Joi Hollis, who was appointed to fill the vacancy created by Grace Hawkins' retirement.

Approval of September 30, 2015 minutes

Motion: Mr. Jerry Landau moved to approve minutes of September 30, 2015, as presented.

Seconded by: Ms. Cheri Clark

Vote: Passed unanimously

Approve Amended ARFLP Form 11, Information for Parents Regarding the Use of Parenting Coordinators: The members discussed the September amendments and made additional changes regarding grammar and to increase clarity and ease of reading.

Motion: Mr. Kent Batty moved to approve ARFLP Form 11, Information for Parents Regarding the Use of Parenting Coordinators as amended.

Seconded by: Judge Mark Armstrong

Vote: Passed unanimously

Approve Template for Order Appointing Parenting Coordinator: The members discussed the September amendments and made additional edits to the template regarding grammar, and to improve clarity and ease of reading.

Motion: Mr. Jerry Landau moved to approve the template for order appointing parenting coordinator as amended.

Seconded by: Judge Mark Armstrong **Vote:** Passed unanimously

The markup version of the amended form as approved by the Committee is incorporated in minutes as Attachment 1.

Draft Amends to ARFLP Forms 9, Parenting Coordinator's Report and 10, Order Regarding the Parenting Coordinator's Report: Members revised Form 9, Parenting Coordinator's Report, to conform with the recently adopted amendments to ARFLP Rule 74.

Motion: Judge Mark Armstrong moved to approve Form 9 as amended.

Seconded by: Mr. Jerry Landau **Vote:** Passed unanimously

Members, then revised Form 10, Order Regarding Parenting Coordinator's Report to follow Rule 74.

Motion: Judge Mark Armstrong moved to approve Form 10 as amended.

Seconded by: Mr. Jerry Landau **Vote:** Passed unanimously

Call to Public: Ms. Ann Blanchard addressed the committee.

Note: After consideration of Ms. Blanchard's public comment the committee made additional changes to the Forms 9, 10 and 11 regarding allowing a parent to request that the court file the Parenting Coordinator's Report as confidential or sealed, if the parent believes the report contains private or confidential information.

Motion: Ms. Joi Hollis moved to approve changes to the Forms 9, 10 and 11 as amended.

Seconded by: Mr. Jeffrey Bergin **Vote:** Passed unanimously

The markup versions of amended Forms 9, 10 and 11 as approved by the Committee are incorporated into minutes as Attachments 2, 3 and 4.

Motion: Ms. Cheri Clark moved to grant Judge Janet Barton authority to approve the October 29, 2015, meeting minutes.

Seconded by: Mr. Jerry Landau **Vote:** Passed unanimously

Motion: Ms. Cheri Clark moved to grant Judge Janet Barton authority to approve any additional non-substantive changes to the final versions of the forms and submit them to the Court for consideration.

Seconded by: Mr. Jerry Landau **Vote:** Passed unanimously

Meeting adjourned at 11:56 p.m.

Next Meeting: None anticipated.

1 **ARIZONA SUPERIOR COURT,** _____ **COUNTY**

2

3

4 _____) **Case Number:** _____

5 Petitioner,)

6)

7 **and**)

8) **ORDER APPOINTING**

9 _____) **PARENTING COORDINATOR**

10 Respondent.)

11 _____)

12

13 **1. APPOINTMENT OF PARENTING COORDINATOR**

14 The parents having agreed to and the Court having considered the appointment of a
15 Parenting Coordinator,

16

17 **IT IS ORDERED THAT** _____ is appointed as the
18 Parenting Coordinator in this case for a term of ____ year, pursuant to Rule 74, Arizona
19 Rules of Family Law Procedure. The Parenting Coordinator has the authority and
20 responsibility set forth in Rule 74, Arizona Rules of Family Law Procedure, and in the
21 attached information sheet describing the role and duties of the Parenting Coordinator.

22 Where the order refers to a child, the order includes all minor children of the parents unless
23 otherwise specified.

1 **2. SCOPE AND AUTHORITY**

2

3 **IT IS FURTHER ORDERED** that the Parenting Coordinator has full authority to make
4 findings and binding decisions consistent with Rule 74, Arizona Rules of Family Law
5 Procedure.

6

7 **IT IS FURTHER ORDERED** that the Parenting Coordinator has the authority to:

8 A. interview the child;

9 B. interview all members of the immediate or extended families or households of both
10 parents;

11 C. interview and request the participation of any and all persons whom the Parenting
12 Coordinator deems to have relevant information or to be useful participants in the
13 process, including but not limited to doctors, therapists, school personnel, or child
14 care providers;

15 D. recommend that the Court order the parents or the child to participate in ancillary
16 services including but not limited to physical or psychological examinations or
17 assessments, counseling, and alcohol or drug monitoring and testing;

18 E. make findings and recommendations for a Court order on any other related issue;
19 and

20 F. have access to:

21 (i) all teacher reports, and school and medical records of the children, and

22 (ii) all psychological testing or evaluations concerning the children and parents.

23

1 **IT IS FURTHER ORDERED** that the parents execute the appropriate releases in order
2 for the Parenting Coordinator to obtain the release of documents the Parenting Coordinator
3 deems necessary to the performance of the Parenting Coordinator’s services.

4
5 **IT IS FURTHER ORDERED** that the Parenting Coordinator cannot make a decision
6 that will affect child support, spousal maintenance, or the allocation of property or debt.
7 The Parenting Coordinator may not change legal decision-making, effect a substantial
8 change in parenting time, or modify legal decision-making but may make
9 recommendations to the Court in those areas.

10

11 3. **EMERGENCY AUTHORITY AND PROCEDURE:**

12 If, based upon personal observation, the Parenting Coordinator determines that a parent’s
13 functioning is impaired and the parent is incapable of fulfilling either the court-ordered
14 legal decision-making or parenting functions, or the parent’s conduct will expose the child
15 to an imminent risk of irreparable harm, a Parenting Coordinator is authorized to file a
16 motion for temporary orders without notice pursuant to Rule 48, Arizona Rules of Family
17 Law Procedure.

18

19 4. **CONFIDENTIALITY**

20 There is no confidentiality relating to the Parenting Coordinator’s communications with
21 each parent, the child, and any other relevant person contacted concerning the Parenting
22 Coordinator’s activities, findings, recommendations, or binding decisions.

23

1 **5. HEARINGS PRECLUDED**

2 The parents have agreed to the appointment of a Parenting Coordinator. Therefore, the
3 parents cannot litigate before the Court issues within the Parenting Coordinator’s scope
4 and authority, except as set forth in Rule 74(L), Arizona Rules of Family Law Procedure.

5
6 **6. PROCEDURE**

7
8 **IT IS FURTHER ORDERED** that both parents participate in the dispute resolution
9 processes conducted by the Parenting Coordinator and cooperate with the decisions of the
10 Parenting Coordinator.

11
12 **IT IS FURTHER ORDERED** that the parents keep the Parenting Coordinator and the
13 Court advised of their residential and mailing addresses and telephone numbers for work,
14 home, and school for themselves and their children, as well as any other pertinent
15 information requested by the Parenting Coordinator.

16
17 **7. REPORTS**

18 The Parenting Coordinator’s recommendation or decision on an issue must be written in a
19 form substantially similar to the Parenting Coordinator’s Report in Rule 97, Arizona Rules
20 of Family Law Procedure.

21

22

1 **IT IS FURTHER ORDERED** that the parents pay the Parenting Coordinator in accordance with
2 the fee agreement with the Parenting Coordinator.

3

4

5

6 **DATED** this _____ day of _____, 20__.

7

8

9

Superior Court Judge

1 Name: _____

2 Mailing Address: _____

3 City, State, Zip Code: _____

4 Daytime Phone Number: _____

5 State Bar Number: _____

6

7 ARIZONA SUPERIOR COURT, COUNTY OF _____

8

9 _____)

Case No. _____

10 Petitioner)

11 _____)

PARENTING COORDINATOR'S

12 _____)

REPORT AND

13 Respondent)

RECOMMENDATIONS

14 _____)

15

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

18

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

21

22 ISSUE(S):

23 _____

1 _____

2 _____

3 _____

4 _____

5 POSITION(S) OF THE PARTIES:

6 _____

7 _____

8 _____

9 _____

10 _____

11 OTHER INFORMATION CONSIDERED:

12 _____

13 _____

14 _____

15 _____

16 _____

17 AGREEMENTS OF THE PARTIES:

18 _____

19 _____

20 _____

21 _____

22 _____

23 BINDING DECISIONS:

1 _____
 2 _____
 3 _____
 4 _____

5 _____

6 FINDINGS AND RECOMMENDATIONS ON OTHER RELATED ISSUES:

7 _____
 8 _____
 9 _____
 10 _____

11 _____
 12 _____
 13 _____

14 Date _____ Parenting Coordinator _____

15 _____

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

17 _____(date), to The Honorable _____
 18 (the assigned judicial officer)

19 COPIES of the foregoing mailed/delivered/transmitted on:

20 _____ (date), to:
 21 Petitioner Attorney for Petitioner
 22 Respondent Attorney for Respondent

23 By: _____

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ARIZONA SUPERIOR COURT, COUNTY OF _____

_____)	Case No. _____
Petitioner)	
)	ORDER REGARDING <u>PARENTING</u>
)	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

1 Coordinator's report was filed.

2

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

6 _____
7 _____
8 _____
9 _____

10 [] ~~See separate order.~~

11

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

15 _____
16 _____
17 _____
18 _____

19

20 [] each recommendation of the Parenting Coordinator on other related issues is addressed
21 by the Court as follows:

22 _____
23 _____

1 _____

2 _____

3 _____

4 A hearing is set before _____, on _____, at _____

5 _____ a.m./p.m., for _____ minutes, regarding the ~~recommendations of the Parenting~~

6 ~~Coordinator~~, before _____, following:

7 _____

8 _____

9 _____

10 _____

11 _____

12 OTHER ORDERS:

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 Date _____ Judicial Officer _____

21 _____

1 **PARENT INFORMATION FOR PARENTS REGARDING THE USE OF**
2 **PARENTING COORDINATORS**

3 ~~Using a Parenting Coordinator to help make recommendations to the court about your children~~
4 ~~can be a useful alternative to repeatedly going to court.~~ Parenting coordination is a child-focused
5 alternative dispute resolution process. The overall objective of parenting coordination is to help
6 parents resolve issues regarding their parenting plan and legal decision-making orders so as to
7 protect and support safe, healthy, and meaningful parent-child relationships.

8
9 A Parenting Coordinator is a professional ~~appointed by the court to assist parents in~~
10 ~~resolving with appropriate education, experience, and expertise.~~ The Parenting Coordinator's
11 roles is to help parents resolve parenting disputes about parenting their children and to make
12 recommendations to the court for orders and make binding decisions, if the parents are unable to
13 reach a resolution an agreement on their own.

14
15 Parents may ~~want to hire~~ use a Parenting Coordinator when ~~other avenues they need help~~
16 with disputed issues, reducing misunderstandings, clarifying priorities, exploring possibilities for
17 compromise, developing methods of problem resolution have not resulted collaboration in an
18 ability to make recommendations to the court about their children parenting, and there are
19 continued complying with legal decision-making authority and parenting time orders. By way of
20 example, parenting challenges can include disagreements about such issues as schedules,
21 overnight parenting time, choice of schools, about child pick-up and drop-off locations, dates,
22 and times; holiday scheduling; discipline; health and personal care issues; school and
23 extracurricular activities, exchanging the children, holiday scheduling, the handling of the

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

3
4 Before the Court can appoint a Parenting Coordinator, the parents. ~~Many times, the~~
5 ~~family has already participated in a custody/access evaluation. Parents may~~ must agree to use a
6 Parenting Coordinator and ~~agree to a specific person or the Court may appoint a Parenting~~
7 ~~Coordinator and appoint a specific person to be Parenting Coordinator of the Court's own~~
8 ~~choosing. The amount of time required with~~ understand how the Parenting Coordinator ~~or the~~
9 ~~number of meetings with~~ charges for services. The parents must also agree to:

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

18
19 When a dispute is presented, the Parenting Coordinator will help the parents reach an
20 agreement. The Parenting Coordinator will determine the ~~actual~~ number and length of the
21 meetings that are necessary for any specific to resolve the issue/issues. The Parenting
22 Coordinator will make this determination based upon the substance and complexity of the issue
23 and the behavior of the parents.

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

3
4 The Parenting Coordinator ~~might want~~ will decide what information is needed to resolve
5 a dispute and has the authority to get other information, such as the children's ~~opinion,~~ opinions
6 and information from family members, doctors, therapists, schools, or other caretakers. If the
7 parties cannot come to an agreement, the Parenting Coordinator then makes a recommendation to
8 the court for an order. The parenting coordination process is not confidential. If a parent believes
9 the parenting coordinator's report contains private or confidential information, the parent can ask
10 the Parenting Coordinator to request that the report be filed by the Court as a confidential or
11 sealed document.

12
13 ~~If one parent is opposed to the recommendation, he or she can file an objection within 10~~
14 ~~days and the court can review the recommendations. The Court may accept, modify or reject the~~
15 ~~recommendations of the Parenting Coordinator. The Court may also set the matter for hearing. In~~
16 ~~a time sensitive situation, a recommendation of the Parenting Coordinator may be effective~~
17 ~~immediately pending approval by the court and without prejudice to the parties.~~

18
19 ~~Hiring a~~ The Parenting Coordinator's decision is binding upon the parents, provided that
20 the decision is within the Parenting Coordinator's scope of authority. If a parent believes that the
21 Parenting Coordinator's decision exceeds the scope of the Parenting Coordinator's authority, the
22 parent may file an objection with the Court. Examples of when a Parenting Coordinator exceeds
23 the scope of authority can be found in Rule 74(H)(3), Arizona Rules of Family Law Procedure.

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

10

11 The Parenting Coordinator can resign. If one upon notice to each parent is unhappy
12 ~~with~~ and order of the Court. Both parents can jointly agree to discharge the Parenting
13 ~~Coordinator, that.~~ However, neither parent cannot alone can discharge the Parenting
14 Coordinator. If only one parent wishes to discharge the Parenting Coordinator, that parent may
15 file a motion explaining why the Parenting Coordinator should be discharged. Disagreeing with
16 one or more of the Parenting Coordinator's decisions will not justify the discharge of a Parenting
17 Coordinator.

18

19 If the Parenting Coordinator acts in a manner that seems unethical or unprofessional, the
20 ~~parent should first talk with the Parenting Coordinator about that parent's concerns. If the parent~~
21 ~~is still unsatisfied, that parent should submit a written statement of that parent's concern to the~~
22 ~~two attorneys (if represented), the Parenting Coordinator, the child's attorney (if there is one) and~~
23 ~~to the other~~ is encouraged to talk about those concerns with the Parenting Coordinator. A parent-

1 ~~A conference may be set to resolve the concerns. If the concern is still not resolved after that~~
2 ~~meeting, the parent can ask the court to have the Parenting Coordinator removed. The judge will~~
3 ~~then review can also follow the complaint and make a decision. If the Coordinator is removed, a~~
4 ~~new Parenting Coordinator may be appointed.~~ process in Rule 74(N), Arizona Rules of Family
5 Law Procedure.

6
7 The Parenting Coordinator's goals are somewhat different than those of a judge. A judge's
8 job is to make orders that are based on the law, ~~including the best interests of the children.~~ A
9 Parenting Coordinator's job is to assist parents in making parenting decisions in the best interests
10 of the children and in accordance with the parenting plan, ~~as set forth in their decree or~~ and legal
11 decision-making orders issued by the current court order. ~~Whenever possible, a~~ A major goal is to
12 help ~~families~~ parents develop their skills so they do not continue to need a Parenting
13 Coordinator. If this can be accomplished, the power to make decisions about their children is
14 back in the hands of the parents. ~~The parents pay the fees for the services of a Parenting~~
15 ~~Coordinator as ordered by the court. Many Parenting Coordinators request a retainer before they~~
16 ~~begin their work with a family. Before a Parenting Coordinator is appointed, the judge will~~
17 ~~decide what portion of the fee each parent will pay.~~

18
19 ~~Using a Parenting Coordinator will usually reduce the need to go to court, and, therefore,~~
20 ~~should be cost effective. In addition, the family will usually be seen sooner by the Parenting~~
21 ~~Coordinator than the Court, resulting in quicker decisions.~~