

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-15-0006  
RULE 74, RULES OF )  
FAMILY LAW PROCEDURE ) **FILED 8/27/2015**  
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\_\_\_\_\_ )

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

An amended 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, 2016.

DATED this 27th day of August, 2015.

\_\_\_\_\_  
SCOTT BALES  
Chief Justice

TO:

Rule 28 Distribution

Hon. Janet E Barton

Susan Pickard

Martin Lynch

Annette T Burns

Barry L Brody

Judith M Wolf

Andi J Paus

Aris J Gallios

Keith Berkshire

Terry B Decker

John Scialli

Helen R Davis

Hon. Alyce L Pennington

Hon. Peter B Swann

Diana G Vigil

Vicki Alger

Karen Duckworth

David M Alger

William G Klain

Hon. Sally Schneider Duncan

Julie A Skakoon

Kevin Pickering

Kenneth Scott Baker

Michael J Manola

Shebli Geegieh

Hon. Nanette M. Warner (Ret.)

## ATTACHMENT<sup>1</sup>

### Arizona Rules of Family Law Procedure

#### Rule 74. Parenting Coordinator

**A. Purpose of Parenting Coordination.** 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.

**B. Appointment of a Parenting Coordinator.** The court may appoint a third party as a parenting coordinator in proceedings under Title 25, A.R.S., at any time after entry of a legal decision-making or parenting time order only if each parent has agreed to the appointment either by written stipulation or orally on the record in open court.

The stipulation must state:

1. each parent understands how the parenting coordinator bills for services, including the parenting coordinator's hourly rate, and the parents can afford the parenting coordinator's services;
2. the manner in which the parenting coordinator's fees will be allocated between the parents;

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<sup>1</sup> Because this rule has been substantially revised, a strikeout version is not provided. This rule replaces the current rule in its entirety.

3. the method by which the parenting coordinator will be selected or the name of the agreed-upon parenting coordinator;
4. the parents agree to the release of documents the parenting coordinator deems necessary to the performance of the parenting coordinator's services;
5. the term of the appointment; and
6. 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 issues submitted to the parenting coordinator for decision.

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.

**C. Selection of a Parenting Coordinator.** A parenting coordinator appointed by the court must qualify as a parenting coordinator under paragraph D. A person appointed as a parenting coordinator cannot serve in any other function or role in the case, except that each parent and the parenting coordinator may agree that a person who is serving or has already served in a legal, treatment, evaluative, or therapeutic role in the case can be appointed as the parenting coordinator.

**D. Persons Who Can Serve as a Parenting Coordinator.** The following persons can serve as a parenting coordinator:

1. an attorney who is licensed to practice law in Arizona;

2. a psychiatrist who is licensed to practice medicine or osteopathy in Arizona;
3. a psychologist who is licensed to practice psychology in Arizona;
4. a person who is licensed to practice independently by the Arizona Board of Behavioral Health Examiners;
5. professional staff of a court's conciliation services department; or
6. a person with education, experience, and expertise who is deemed qualified by the court's presiding judge or a designee.

The court can set additional requirements for service as a parenting coordinator.

**E. Term of Service.** The term of the parenting coordinator will be designated in the order of appointment.

1. **Initial Term.** A parenting coordinator's initial term cannot exceed one year unless each parent and the parenting coordinator agree to a longer term.
2. **Reappointment.** The parenting coordinator cannot be reappointed at the end of the term unless each parent and the parenting coordinator agree to the reappointment in writing or orally on the record in open court. By agreeing to the reappointment, each parent is acknowledging the parent's understanding and acceptance of subdivisions 1-6 in paragraph B, above. The reappointment term cannot exceed one year unless each parent and the parenting coordinator agree to a longer term.
3. **Replacement of the Parenting Coordinator.** Both parents can agree to replace the existing parenting coordinator by stipulating to the replacement in writing or orally on the record in open court. The stipulation that replaces the parenting

coordinator must also contain the stipulations in subdivisions 1-6 in paragraph B, above.-

**4. Resignation.** The parenting coordinator can resign upon notice to each parent and order of the court.

**5. Discharge.** Both parents can jointly agree to discharge the parenting coordinator during the term of appointment. If only one parent wishes to discharge the parenting coordinator, that parent must file a motion with the court that establishes good cause for the requested relief. Disagreeing with one or more of the parenting coordinator's decisions does not constitute good cause for discharging the parenting coordinator.

**F. Fees.**

**1. Disclosure of Fees.** The parenting coordinator must fully disclose all fees and charges to each parent before services requiring payment can begin. A parenting coordinator cannot increase the parenting coordinator's hourly rate during a term of appointment.

**2. Adjustment to Allocation of Fees by Parents.** Both parents may agree to a change in the allocation of fees by amending the agreement in writing with the parenting coordinator. Without the parents' agreement, a parenting coordinator cannot reallocate fees based on a change in a parent's financial circumstances.

**3. Sanctions and Reallocation of Fees.** Where one parent is reasonably believed to be using parenting coordinator services excessively or to harass the other parent, a

parenting coordinator or a parent can recommend, as a sanction, an adjustment to the allocation of the parenting coordinator's fees. Any recommendation must be filed with the court in writing and must explain in detail the reason for the recommended fee reallocation. The recommendation must be provided to each parent or counsel, if represented, if filed by the parenting coordinator, and if filed by a parent, to the parenting coordinator and the other parent or counsel, if represented. The non-recommending parent may file an objection to the recommendation within 20 days after the date the written recommendation is filed. If an objection is filed, the court must hold a hearing before reallocating fees.

**G. Confidentiality.** Parenting coordination is not a confidential process.

Therefore, the communications between the following are not confidential:

1. each parent and the parenting coordinator;
2. the child and the parenting coordinator;
3. the parenting coordinator and other relevant parties to the parenting coordination process; and
4. the parenting coordinator and the court.

Counsel cannot attend parenting coordinator meetings with their clients unless each parent and the parenting coordinator agree or if ordered by the court. The parenting coordinator can meet with each counsel separately to obtain information relevant to the issue before the parenting coordinator.

**H. Scope of Appointment and Authority.** The court order appointing the parenting coordinator must specify the scope of the appointment.

1. A parenting coordinator's scope of appointment can include:
  - a. helping the parents address disputed issues, reduce misunderstandings, clarify priorities, explore possibilities for compromise, develop methods of collaboration in parenting, and comply with legal decision-making authority and parenting time orders;
  - b. making decisions regarding implementation, clarification, and minor adjustments to parenting time orders;
  - c. making decisions regarding parenting challenges not specified in the parenting plan that the parents are unable to resolve. By way of example, these 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;
  - d. interviewing and requesting documentation from anyone who has relevant information necessary to resolve a matter currently before the parenting coordinator; and
  - e. recommending that the court order the parents or child to participate in ancillary services, to be provided by the court or third parties, including but not limited to physical or psychological examinations or assessments, counseling, and alcohol or drug monitoring and testing.

2. A parenting coordinator must attempt in a timely manner to facilitate agreement on disputed issues between the parents. If the parents are unable to reach agreement, the parenting coordinator will timely decide any disputed issues within the scope of the parenting coordinator's authority.

3. A parenting coordinator cannot make a decision that will:

- a. affect child support, spousal maintenance, or the allocation of property or debt;
- b. change legal decision-making authority; or
- c. substantially change parenting time.

**I. Emergency Authority and Procedure.** If, based upon the parenting coordinator's personal observation, the parenting coordinator determines that a parent's functioning is impaired and the parent is incapable of fulfilling either the court-ordered legal decision-making or parenting functions, or the parent's conduct will expose the child to an imminent risk of irreparable harm, a parenting coordinator is authorized to file a motion for temporary orders without notice pursuant to Rule 48. The court must accept the motion for filing even though a petition to modify under Rule 91 has not been filed.

**J. Report.** The parenting coordinator's decision on an issue must be written in a form substantially similar to the Parenting Coordinator's Report in Rule 97 of these rules. The parenting coordinator must:

1. mail or transmit the report to the assigned judge—but not the clerk of the court—not later than five business days after receipt of all information necessary to make a decision; and
2. mail or transmit a copy of the report to each parent or counsel on the same day it is mailed or transmitted to the court.

**K. Court Action.** The court, upon receipt of the parenting coordinator’s report, must file the report. If the report contains confidential or private information, it must be filed in a manner that prevents the public from accessing the report, pursuant to Rule 13(D) of these rules. Once the report has been filed, the court can do any of the following:

1. adopt the decision as an order of the court;
2. reject the decision and report in whole or in part as outside the scope of the parenting coordinator’s authority and affirm all or part of the current court order; or
3. set a hearing regarding the decision.

The court may use the Order Regarding Parenting Coordinator's Report in Rule 97 of these rules for purposes of this paragraph.

**L. Objection.** Provided that the parenting coordinator acted within the scope of authority pursuant to this rule and the appointment order, the parenting coordinator’s decision is binding. If a parent believes that the parenting coordinator’s decision exceeds the scope of the parenting coordinator’s authority, the parent may object to the parenting coordinator’s decision by filing a pleading with the court entitled “Objection.” The objection must be filed within 20 days after the date of the filing of the parenting

coordinator's report. The objection must explain in detail the reasons why the parent believes the parenting coordinator exceeded the scope of authority and whether a hearing is requested on the parent's objection.

**M. Action on Parent's Objection.** If either parent files an objection, any court action will remain in effect pending resolution of the objection.

**N. Complaints about Unethical or Unprofessional Conduct by Parenting Coordinators.** Complaints about alleged unethical or unprofessional conduct by the parenting coordinator should be submitted to the parenting coordinator's applicable licensing or regulatory board. If the parenting coordinator is not subject to a licensing or regulatory board, the complaint should be brought to the court's attention.

**O. Immunity.** The parenting coordinator has immunity in accordance with Arizona law as to all acts undertaken pursuant to and consistent with the appointment order of the court.

**P. Applicability.** No court is required to employ or use parenting coordinators; but in the event the court appoints a parenting coordinator, these rules apply.

**Q. Effective date.** The rule as it exists on January 1, 2016, applies to any appointment or reappointment of a parenting coordinator that occurs on or after January 1, 2016. All parenting coordinator 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.

SUPREME COURT OF ARIZONA

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

**ORDER**

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

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

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

DATED this 16th day of December, 2015.

\_\_\_\_\_/s/  
SCOTT BALES  
Chief Justice

TO:

Rule 28 Distribution

Hon. Janet E Barton

Susan Pickard

Martin Lynch

Annette T Burns

Barry L Brody

Keith Berkshire

Terry B Decker

John Scialli

William G Klain

Helen R Davis

Alyce L Pennington

Hon. Peter B Swann

Diana G Vigil

Vicki Alger

Karen Duckworth

David M Alger

Hon. Sally Schneider Duncan

Julie A Skakoon

Kevin Pickering

Kenneth Scott Baker

Judith M Wolf

Andi J Paus

Aris J Gallios

Michael J Manola

Shebli R Geegieh

Hon. Nanette M Warner

**ATTACHMENT<sup>1</sup>**

**Rule 97, Arizona Rules of Family Law Procedure**

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

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

State Bar Number: \_\_\_\_\_

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_) )

Case No. \_\_\_\_\_

Petitioner ) )

PARENTING COORDINATOR'S

) )

REPORT ~~AND~~

\_\_\_\_\_) )

Respondent ) )

~~RECOMMENDATIONS~~

\_\_\_\_\_) )

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

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

ISSUE(S):

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POSITION(S) OF THE PARTIES:

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OTHER INFORMATION CONSIDERED:

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AGREEMENTS OF THE PARTIES:

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

\_\_\_\_\_  
\_\_\_\_\_

BINDING DECISIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FINDINGS AND RECOMMENDATIONS ON OTHER RELATED ISSUES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date Parenting Coordinator

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

\_\_\_\_\_ (date), to The Honorable \_\_\_\_\_  
(the assigned judicial officer)

COPIES of the foregoing mailed/delivered/transmitted on:

\_\_\_\_\_ (date), to:

Petitioner

Attorney for Petitioner

Respondent

Attorney for Respondent

By: \_\_\_\_\_

**Form 10. Order Regarding Parenting Coordinator’s Report and Recommendations**

ARIZONA SUPERIOR COURT, COUNTY OF \_\_\_\_\_

\_\_\_\_\_ )

Case No. \_\_\_\_\_

Petitioner )

)

**ORDER REGARDING PARENTING**

)

**PARENTING COORDINATOR'S**

\_\_\_\_\_ )

**REPORT ~~AND RECOMMENDATIONS~~**

Respondent )

ARIZ. R. FAM. L. P. 74

\_\_\_\_\_ )

Based on the report ~~and recommendations~~ of the Parenting Coordinator, \_\_\_\_\_

\_\_\_\_\_, (name), dated \_\_\_\_\_, and good cause

appearing,

IT IS ORDERED:

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

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

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

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

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~~See separate order.~~

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] OTHER ORDERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

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

### PARENT INFORMATION FOR PARENTS REGARDING THE USE OF PARENTING COORDINATORS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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