

ARIZONA SUPERIOR COURT, PIMA COUNTY

XXXX,)	SP or D XXXX
Petitioner,)	
)	
and)	
)	ORDER APPOINTING FAMILY
XXXX,)	COURT PARENTING COORDINATOR
)	
Respondent,)	
_____)	

1. APPOINTMENT OF PARENTING COORDINATOR

The parties having agreed to, or good cause having been shown herein, the Court has considered the appointment of a Parenting Coordinator. The Court finds that:

Check all that apply

- the parents are persistently in conflict with one another; or
- there is a history of substance abuse by either parent or family violence; or
- there are serious concerns about the mental health or behavior of either parent; or
- a child has special needs; or
- it would otherwise be in the children’s bests interests to make such an appointment.

IT IS ORDERED THAT _____ is appointed as the Parenting Coordinator in this case for a term of _____, pursuant to Rule 74 of the Arizona Rules of Family Law Procedure. The term of appointment is subject to (1) reappointment at the expiration thereof upon the Court’s own motion or upon motion by either party or the Parenting Coordinator and order of the Court or (2) removal by order of the Court either at the Parenting Coordinator’s request or otherwise. The Parenting Coordinator shall have the authority and responsibility set forth below. The parties shall receive the attached parent information sheet describing the role of the Parenting Coordinator and his/her duties. Where the order refers to a child, the order includes all minor children of the parties unless otherwise specified.

Absent an order of the Court, one or both parties cannot discharge the Parenting Coordinator. The Court may terminate the services of the Parenting Coordinator at any time upon finding that there is no longer a need for assistance of the Parenting Coordinator.

2. SCOPE AND AUTHORITY OF ORDERS

IT IS FURTHER ORDERED that the Parenting Coordinator may assist with implementation of Court orders, make recommendations to the Court regarding implementation, clarification, modification and enforcement of any temporary or permanent custody or parenting time order.

IT IS FURTHER ORDERED that the Parenting Coordinator will have full authority to make findings and recommendations on:

- A. All current and future disputes regarding any type of parenting time problems and parenting issues as to the minor child, including, by way of example only, disputes over the time and place for

exchanges of the child; vacation and holiday schedules; transportation arrangements; education and schooling; child care, day care and babysitting; religious training, church affiliation and attendance; bedtimes; diet; clothing, personal grooming and hygiene; recreation, after-school or other extra-curricular activities; discipline, adult supervision, health and medical care including psychotherapy and counseling; sports and other activities; and all other related parenting issues. The Coordinator may also make findings and recommendations for a Court order on any other related issue as the Court may direct. The Coordinator may not change custody, effect a significant change in parenting time, or modify primary physical custody, but may make recommendations to the Court in those areas.

- B. The Coordinator shall make recommendations based upon the best interests of each child and to promote the development and emotional adjustment of each child.
- C. The Coordinator, within his/her discretion, may interview all members of the immediate or extended families or households of both parties.
- D. The Coordinator may interview and request the participation of any and all persons whom the Coordinator deems in his or her sole discretion to have relevant information or to be useful participants in the process, including but not limited to doctors, therapists, schools or caretakers.
- E. The Coordinator has and shall exercise the power to regulate all proceedings before the Coordinator and to do all acts and take all measures necessary or proper for the efficient performance of the Coordinator's duties under this order.
- F. The Coordinator may recommend that the Court order the parties and their child(ren) to participate in adjunct services to be provided by third parties, including but not limited to physical or psychological examinations, assessments and psychotherapy, counseling, treatment, and alcohol or drug monitoring and testing all as deemed necessary or appropriate by the Coordinator. The Coordinator may allocate between the parties the costs of any such adjunct services.

3. PARENTING COORDINATOR RIGHTS AND AUTHORITY

The Parenting Coordinator shall have the following rights and authority:

- A. To have reasonable access to the minor child with reasonable advance notice;
- B. To have reasonable advance notice of any and all proceedings in this case including requests for any examination affecting the child; to be provided with copies of all orders and pleadings filed in this case; to have reasonable access to and discussion with the Court concerning the reasons for appointment of a Parenting Coordinator and the areas of conflict between the parties;
- C. Subject to subsequent Court approval, the right to veto or reject any physical or psychological examination or evaluation of the child which was not ordered by the Court or approved by the Parenting Coordinator;
- D. The right to obtain another independent evaluation of the child or parent(s) as deemed necessary,

and the right to request that the Court appoint independent counsel or a best interest attorney for the child;

E. To have access to:

- (i) All therapists of the child;
- (ii) All school and medical records of the child;
- (iii) All psychological testing or evaluations performed on the child or parents; and
- (iv) All teachers and child care providers for the child.

THE PARTIES SHALL EXECUTE THE APPROPRIATE RELEASES IN ORDER FOR THE COORDINATOR TO OBTAIN ANY OF THE FOREGOING INFORMATION

F. The right to interview the parties or child in any combination, including without the other party present, as initiated by the Coordinator. Any party may contact the Coordinator in writing, provided that all information provided to the Coordinator is provided at the same time to the opposing party and counsel, if any; and

G. In his/her sole discretion, to communicate any information gathered in the course of his/her duties, and any other information or opinions regarding the parties, with any person whom the Coordinator determines may require such information to further the best interests of the child, which person may include the Court, attorneys for either party, either or both parents, physicians or psychotherapists, or any other person.

4. CONFIDENTIALITY

THERE IS NO CONFIDENTIALITY RELATING TO THE PARTIES' COMMUNICATIONS TO THE COORDINATOR OR CONCERNING THE PARENTING COORDINATOR'S ACTIVITIES, FINDINGS OR RECOMMENDATIONS.

5. HEARINGS PRECLUDED

By reason of the appointment of a Parenting Coordinator, the parties shall be precluded from litigating before the Court issues within the purview of the Parenting Coordinator's powers and authority, except under the procedure for filing objections as set forth in Paragraph 8 below. The Court may request and set a hearing *sua sponte* on any issue as to which the Court deems a hearing is necessary.

6. PROCEDURE

IT IS FURTHER ORDERED that proceedings before the Coordinator shall be conducted in accordance with the following procedures:

A. Proceedings may be initiated by either party, the Coordinator or the Court. Both parties shall

participate in the dispute resolution processes conducted by the Coordinator and cooperate with the rulings of the Coordinator, subject to judicial review, as described below.

- B. The Coordinator shall forthwith set a time and place for the first meeting of the parties and/or their attorneys to be held within 20 days after the Coordinator's receipt of this order. The Coordinator shall notify the parties or their attorneys of this meeting. Notice may be made by mail to the last known address supplied to the Court. If circumstances require, the Coordinator may notify the parties orally and make a notation of the date and time of notification. The Coordinator shall proceed with all reasonable diligence.

CHECK ALL THAT APPLY:

_____ If a party fails to appear at a time and place appointed, the Coordinator may proceed at that time, or, in the Coordinator's discretion, continue the meeting to a future date with notice to the absent party;

_____ Either or both parties may contact the Coordinator orally or in writing, as the Coordinator directs, to initiate proceedings.

- C. If either party fails to participate as requested by the Coordinator, then, in addition to all remedies available at law, the Coordinator may proceed to resolve the dispute without the participation of such party and may decide the dispute in favor of either party.
- D. The Coordinator may request, with notice to the parties, that the Court issue subpoenas to require the appearance of any person within the jurisdiction of this Court and to require the production of documents within the jurisdiction or under the control of either party or a party's agents.
- E. The Coordinator shall determine in each instance the appropriate conflict resolution process and shall recommend that the Court order that the process be implemented.
- F. The Coordinator may require the production of documents or things upon all matters falling within the scope of this order.
- G. The parties shall keep the Coordinator advised of their residence and mailing addresses and telephone numbers for work, home and school for themselves and their child, as well as any other pertinent information requested by the Coordinator.
- H. If a party is not contacted by the Coordinator within 20 days of the date of this order, the party shall personally contact the Coordinator to arrange for an initial conference.

7. FINDINGS AND RECOMMENDATIONS

- A. All findings and recommendations of the Parenting Coordinator shall be submitted to the Court and the parties, in writing, no later than 5 days after an oral determination or receipt of all information necessary to make a recommendation. The original shall be filed with the Clerk of the Court with a copy mailed to each party or, if applicable, his or her attorney. The report may be transmitted by fax or email to the parties at a fax number or email address provided by the parties to the Parenting Coordinator. The Parenting Coordinator may make oral findings and recommendations to the parties and/or their attorneys, which the Parenting Coordinator shall, within five court days, reduce to writing

and file the same with the Court. The Parenting Coordinator's findings and recommendations shall specify to what extent, if any, they were based on the agreement of the parties. The findings and recommendations shall be submitted to a judge or court commissioner with an appropriate form of order. Unless there is timely objection thereto, the Court will sign the order, subject to any reservations the Court may have or modifications the Court may make.

CHECK ONE:

_____ The findings and recommendations of the Parenting Coordinator shall be and remain effective when filed and until vacated or modified by the Parenting Coordinator before action is taken thereon by the Court, or until affirmed, modified or vacated in a court order, or until the Court rules on objections thereto.

_____ With exception of time-sensitive disputes referenced in Paragraph E, the findings and recommendations of the Parenting Coordinator, shall not be effective until the Court rules on any objections and affirms or modifies the recommendations in a court order.

Such findings and recommendations are not final appealable orders; only the Court's orders based thereon are final appealable orders.

- B. Notwithstanding the provisions of above sub-paragraph A., the parties have stipulated that any particular findings and recommendations of the Parenting Coordinator, whether or not made as the result of an agreement of the parties, may have immediate binding effect even before being filed and ordered to the Court.
- C. The Parenting Coordinator, in his or her written findings and recommendations, shall advise the parties of their right to object to such findings and recommendations in accordance with Paragraph 8 below, and to have a hearing on such objections before a judge or court commissioner upon written request being filed with the Court.
- D. The Coordinator may, in his/her sole discretion, submit a draft report to the parties or their counsel for the purpose of receiving their suggestions.
- E. **TIME SENSITIVE DISPUTES:**
Pursuant to Rule 74 (G), ARFLP, when a short-term, emerging, and time sensitive situation or dispute within the scope of authority of the Parenting Coordinator arises that requires an immediate decision for the welfare of the children and parties, the Parenting Coordinator may make a binding temporary decision. This interim decision shall be made without prejudice and shall not be regarded as precedent as to any future action or procedure for any other dispute. The decision shall be submitted to the appropriate Division of the Family Law Bench with a copy to the parties or their counsel if represented, in a written report that shall document all substantive issues address and the basis for the decision for review and entry of any appropriate orders at this Court's earliest opportunity. Thereafter, the procedures set forth in Paragraph 8 of this Order shall apply.

8. OBJECTIONS AND APPEARANCES

- A. The parties shall have the right to object to any finding or recommendation of the Parenting Coordinator to Superior Court by filing a written objection with the Court, stating the basis for the objection, a proposed solution and whether a hearing is requested, within ten days after the filing of

such findings or recommendations. If a hearing is requested, a separate Notice of Hearing shall be provided. If no hearing is requested, the Court shall rule on the objection without further hearing. The Court may approve, modify, or reject any recommendation.

CHECK ONE:

___The Parenting Coordinator’s recommendations shall remain in full force and effect pending a ruling by the Court on the objection.

___Except for time-sensitive disputes referenced in Paragraph E, the Parenting Coordinator’s recommendations shall not in full effect until a ruling by the Court on the objection.

The parties shall have the right to appeal an order of the Court affirming, denying or modifying the findings and recommendation of the Parenting Coordinator. The time for appeal shall run from the date of the filing with the clerk of the signed court Order. Failure to prevail on an objection or appeal may be an indication of the reasonableness of a party’s position for purposes of awarding attorney’s fees or allocation of the parenting coordinator’s fees.

- B. The Parenting Coordinator may not be compelled to testify at any Court hearing concerning any aspect of his or her actions as Parenting Coordinator in this case. Similarly, the records of the Parenting Coordinator may not be subpoenaed.

9. FEES

IT IS FURTHER ORDERED that the parties shall pay the Parenting Coordinator a retainer of \$_____ prior to the time that the Parenting Coordinator begins work with the family. Thereafter, the parties shall pay the fees of the Parenting Coordinator as directed by the Parenting Coordinator. The fees of the Parenting Coordinator shall not exceed \$_____ per hour, unless otherwise ordered by the Court.

Father shall be responsible for and pay _____% of the Parenting Coordinator’s fees and Mother shall be responsible for and pay _____% of the Parenting Coordinator’s fees unless otherwise ordered by the Court. The Coordinator shall keep accurate records of services rendered and fees paid.

IT IS FURTHER ORDERED that should the Parenting Coordinator find that any dispute results from the bad faith actions of one party, the Parenting Coordinator may recommend to the Court that the party acting in bad faith shall pay the other party’s costs of the Parenting Coordinator’s services necessitated by the party acting in bad faith, and may recommend to the Court additional sanctions which may include modifications of access and/or contempt proceedings. Should the Parenting Coordinator determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party, the Coordinator may recommend to the Court a different allocation of payment of the Parenting Coordinator’s fees.

10. IMMUNITY

The Parenting Coordinator shall have immunity in accordance with Arizona law as to all acts undertaken pursuant to and consistent with this appointment order of the Court, and shall not be subject to suit based

upon any action, or failure to act, or recommendation, or non-recommendation, taken in this matter.

Any alleged impropriety or unethical conduct by the Parenting Coordinator shall be brought to the attention of the Court in writing.

11. SUCCESSOR PARENTING COORDINATORS

IT IS FURTHER ORDERED that all Orders herein shall apply to any subsequent Parenting Coordinators who may succeed the present Parenting Coordinator. If the need arises, the parties may stipulate to the selection of a successor Parenting Coordinator, but if they cannot agree, the matter shall be submitted to the Court for determination.

DATED this _____ day of _____, 201_.

Superior Court Judge/Judge Pro Tem