

## **Implementing Guidelines**

### Family Law Parenting Coordinator Program Implementing Guidelines

#### **Introduction**

These Implementing Guidelines provide guidance for application in Pima County of Rule 74 of the Arizona Rules of Family Law Procedure, which provides for the appointment of a Parenting Coordinator in family Court cases.

#### **Description and Purpose**

A Parenting Coordinator in family court cases is a practitioner appointed by the Court to help parents resolve disputes about what is best for their children and to make decisions about children if the parents are unable to do so. Parenting Coordinators appointed in accordance with Rule 74 of the Arizona Rules of Family Law Procedure shall be qualified attorneys and behavioral health professionals experienced in matters involving family relationships. The assistance of a Parenting Coordinator can be useful for families who, for example, have a history of intractable disagreements, or where there are concerns about drug and alcohol abuse or the stability of one or both parents. A major goal in appointing a Parenting Coordinator is to help families develop their abilities to solve their own problems.

The Court may appoint a Parenting Coordinator when other methods of problem resolution have not enabled the parties to make decisions about their children, so that the parties continue to have frequent disagreements about such issues as schedules, overnight visitation, school and extracurricular activities, exchanges of children for parenting time, holiday scheduling, discipline, health issues, and problematic behaviors on the part of one or both parents. Parents may decide in such cases to hire a Parenting Coordinator to assist them, and may request an order by the Court appointing a Parenting Coordinator for that purpose. When the Court appoints a Parenting Coordinator, the Parenting Coordinator is given the power to make decisions about the children of the parties, subject to the approval of the Court.

#### **Selection**

Parents may agree to use a Parenting Coordinator and agree to a specific person, subject to approval by the Court, or the Court may make the choice. A list of qualified candidates will be maintained by the Court for use in making these appointments.

#### **Responsibilities**

After a Parenting Coordinator has been ordered, he/she will determine what steps need to be taken in the specific case, and will implement the required steps. These may include such procedures as meeting with the parents, meeting with the children, and reviewing custody evaluation reports, court orders and other materials that will acquaint the Parenting Coordinator with the family and the types of problems the family has experienced in the past. The timing, number, and participants in such meetings will be determined by the Parenting Coordinator in conformance to the Order of Appointment. When a dispute occurs, the Parenting Coordinator may try to help the parents mediate the problem. The Parenting Coordinator may require information from third parties to assist in resolving a specific issue, such as a

child's opinion, or information from doctors, therapists, schools or other caretakers. The powers of the Parenting Coordinator to obtain such information will be governed by the terms of the Order of Appointment. The scope of the Parenting Coordinator's decision-making authority is limited by the order appointing the Parenting Coordinator, and in most, cases will extend to the day-to-day issues experienced by the parties rather than to major issues such as significant changes in parenting time schedules. In no case will the Parenting Coordinator make a decision effecting a change of custody.

### **Determinations and Review**

Determinations by the Parenting Coordinator must be made or confirmed in writing in the form of a report and recommendation to the Court, which shall be submitted to the court no later than five days after an oral determination or receipt of all information necessary to make a recommendation. A copy of the report will be mailed or otherwise transmitted on the date of submission to the parties and/or their counsel. A party may file an objection with the Court within ten days of filing of the written report and recommendation, and the matter will be set for hearing. By agreement of the parties, the decision of the Parenting Coordinator will remain in effect during this process unless and until it is affected by a further order of the Court. The findings and recommendations of the Parenting Coordinator will be approved unless clearly erroneous.

### **Term of Service**

The term of the Parenting Coordinator will be designated in the Order of Appointment. The Parenting Coordinator may resign upon notice to the parties and order of the Court. However, the Parenting Coordinator cannot be discharged by one or both parties absent an order of the Court. Complaints about the Parenting Coordinator shall be addressed in the manner specified in the Order of Appointment. If such complaints remain unresolved after following the procedures specified in the order, a motion may be filed with the Court requesting removal of the Parenting Coordinator. The Court may terminate the service of the Parenting Coordinator at any time upon finding that there is no longer a need for the assistance of the Parenting Coordinator.

### **Fees**

In most cases, fees for the services of a Parenting Coordinator will be determined by the Parenting Coordinator and paid by the parents in accordance with the terms of the Order of Appointment. The Parenting Coordinator may require a retainer before beginning work with a family. Before a Parenting Coordinator is appointed, the judge will decide what portion of the fee will be paid by each parent. However, the Parenting Coordinator may adjust the division of payment in Parenting circumstances, if permitted by the Order of Appointment.

### **Form of Order**

The following Order of Appointment has been approved for use in appointing Parenting Coordinators under this local rule. The Court may, in its discretion, make such other orders as may be appropriate in a particular case; and the parties may agree to provisions in addition to or other than those contained in the following form of order, which agreed-upon provisions may be included in the Order of Appointment upon approval by the Court.