

Rule 74. Parenting Coordinator

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

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

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

B. Persons Who May Serve as Parenting Coordinators. A Parenting Coordinator may be an attorney who is licensed to practice law in Arizona; a psychiatrist who is licensed to practice medicine or osteopathy in Arizona; a psychologist who is licensed to practice psychology in Arizona; a person who is licensed by the Arizona Board of Behavioral Health Examiners as a social worker, professional counselor, marriage and family therapist, or substance abuse counselor; any other Arizona licensed or certified professional with education, experience, and special expertise regarding the particular issues referred; or professional staff of conciliation services. The court may prescribe additional requirements for service as Parenting Coordinator.

C. 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. Absent an order of the court, one or both parties cannot discharge the Parenting

Coordinator. 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.

D. Fees. The court will determine the fees for the services of a Parenting Coordinator and the allocation of fees between the parties. The court may order that the parents pay the Parenting Coordinator a retainer before the Parenting Coordinator begins work with a family. If permitted by the Order of Appointment, the Parenting Coordinator may recommend to the court an adjustment in the division of payment under special circumstances.

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

F. Additional Authority of Parenting Coordinator. The Parenting Coordinator may interview all members of the immediate and extended family or household of both parties and the children. To the extent provided in the Order of Appointment, the Parenting Coordinator may interview and request information from any persons who the Parenting Coordinator deems to have relevant information, including doctors, therapists, schools, or other caretakers. The Parenting Coordinator may recommend that the court order the parties or children 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. The court shall allocate between the parties the cost of any ancillary services ordered.

G. Time Sensitive Issue Authority and Procedure. 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, a 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 assigned judge with a copy to the parties (or counsel, if represented) in a written report that shall document all substantive issues addressed and the basis for the decision for review and entry of any appropriate orders at the judge's earliest opportunity. Thereafter, the procedures set forth in paragraph H shall apply.

H. Report. Recommendations by the Parenting Coordinator must be made or confirmed in a written report to the court and parties in substantially the same format as Rule 97, Form 9, which shall be submitted no later than five (5) days after an oral determination or receipt of all information necessary to make a recommendation. A copy of the report will be mailed or transmitted to the parties or their counsel on the date of submission. 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.

I. Objection. A party who objects shall clearly state in writing the objection to the recommendation, the basis for the objection, a proposed solution, and whether a hearing is requested. The judicial officer shall set a hearing if requested. If no hearing is requested, the judicial officer may rule on the objection without further hearing. By agreement of the parties or order of the court, the recommendations of the Parenting Coordinator will remain in effect during this objection period and process unless and until it is affected by a further order of the court.

J. Court Action. The court, upon receipt of a report and recommendation from a Parenting Coordinator, may: (1) approve the recommendation and adopt it as an interim order of the court, subject to either party objecting or requesting a hearing within ten (10) days from the date the report and recommendation is submitted to the court; (2) modify the recommendation and adopt the modified recommendation as an interim order of the court, subject to either party objecting or requesting a hearing within ten (10) days from the date the report and recommendation is submitted to the court; (3) reject the recommendation report in whole or in part and affirm the current order, subject to either party objecting or requesting a hearing within ten (10) days from the date the report and recommendation is submitted to the court; or (4) set a hearing on the assigned judicial officer's calendar. The court may use an order substantially similar to Rule 97, Form 10.

K. 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.

L. Applicability. No county is required to employ or utilize Parenting Coordinators; however, in the event a county elects to use Parenting Coordinators, these rules shall apply.

COMMITTEE COMMENT

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

jurisdiction of the superior court to make custody decisions or substantially modify parenting time.

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

Additional parent information regarding the use of Parenting Coordinators may be found in Rule 97, Form 11.