



## ATTACHMENT

### NEW RULE 81

#### RULES OF FAMILY LAW PROCEDURE

#### **Rule 81, Post-Judgment Parenting Time Supervision and Case Implementation Supervision**

**(a) Application.** This rule applies after a judgment has been entered under Rule 78.

**(b) Definitions.** These definitions apply:

(1) *Parenting Time Supervisor or Case Implementation Supervisor.* A “parenting time supervisor” or a “case implementation supervisor” is any person or local social service agency stipulated to by the parties and approved by the court, or any person or local social service agency appointed by the court to carry out the terms of A.R.S. § 25-410(B).

(2) *Local Social Service Agency.* A “local social service agency” is any group or individual recognized by the community as a provider of social services to members of the community, including conciliation courts, when ordered by the presiding judge of the county or presiding domestic relations judge.

(3) *Parenting Time Supervision.* Parenting time supervision encourages parenting time between the child and parents. The supervisor facilitates contact per court orders in a manner that may include but is not limited to physical supervision. Communication with and services provided by the parenting time supervisor are not confidential. Supervisors must observe and report their observations. The supervisor may terminate a court-ordered parenting time session should there be a concern arising from a participant’s behavior or safety issues for a participant, including the parenting time supervisor.

(4) *Case Implementation Supervision.* After a judgment is entered, implementation issues may remain other than the fitness of each parent to carry out the plan that the court ordered. Case implementation supervision assists the parties and court in implementing the judgment’s terms. Communication with and services provided by the supervisor is not confidential. Supervisors must observe and report their observations. Supervision may include a therapeutic component for all participants to address behaviors inconsistent with the parenting plan’s implementation.

**(c) The Parenting Time or Case Implementation Supervision Order.**

(1) The court must order parenting time consistent with the child’s best interests. If the parties agree, or the court finds that without a continuation order the child’s physical health would be endangered or the child’s emotional development would be significantly impaired, the court may order parenting time or case implementation supervision consistent with the child’s best interests.

(2) For the supervisor selection, the court may provide parties with a list of supervisors. The parties may stipulate to a supervisor from the list or any other person that the parties agree is appropriate to serve. The court must designate a supervisor based on the parties' stipulation or under a procedure adopted by the court.

(3) The appointment order must provide the following:

(A) The allocation of fee payment between the parties. After determining that the parties can afford to pay the fees, the order will state who will be responsible for paying the fees and how and when payments will be paid. If the parties cannot afford the fees and other funding is available, the order will provide how the costs will be covered.

(B) Scheduling appointment responsibility. The order must state the party or parties responsible for contacting the supervisor to arrange parenting time supervision or case implementation.

(C) Providing record availability to the supervisor. The order must specify what information is to be provided to the supervisor. The order must determine how, when, and by whom the information will be provided. If there are any special concerns or needs of the child, the supervisor should be informed.

(D) Establishing the frequency of reports from the supervisor. The order must specify the required reports, the report's content, and frequency. The order must require that the supervisor keep notes of each visit.

(E) For parenting time supervision, the order must specify the type required by the court. Such supervision may include but is not limited to, parenting time exchange supervision, parenting time supervision, and therapeutic parenting time supervision.

(F) Establishing the supervisor's authority to carry out the judgment.

(G) Setting out any procedure necessary for review hearings.

(H) Establishing the duration of parenting time or case implementation supervision. The supervision order expires at the court's discretion but must be stated in the order. If a party seeks to modify, extend, or vacate the parenting time or case implementation supervision, the requesting party must file the appropriate petition under Rule 91. A supervisor may submit a written request for an extension or modification. The court must allow the parties to be heard if a supervisor requests an extension or modification.

(I) Stating the purpose of parenting time or case implementation supervision, including the identification of and protection from the potential risks to the child's physical or emotional health arising from parenting time.

**(d) Fees.** The imposition of reasonable fees is authorized for parenting time and case implementation supervision and may be charged to one or both parties under Rule 95(a).

Reasonable fees are the usual and customary fees charged in the county, considering the availability of services, the nature of the issues presented, and the level of experience and training required of the supervisor.