Martin Lynch, 1039 W 19th St, Tempe AZ, 85281
602-550-6304 MDL2222222222@gmail.com
Father and Victim of Parenting Coordinator Abuse,
of up to and including Class 2 Felony Crimes.
Also Systems and Processes Engineer, responsible for
Implementation and Monitoring Compliance to
AS9100 and ISO9001 Aerospace Quality Standards for
Boeing, United Technologies and Honeywell
Re: Ad Hoc Parenting Coordinator Workgroup Report Jan 8, 2015

IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:

FORMAL COMMENT ON	)	
PETITION TO AMEND RULE 74	)	
OF THE RULES OF FAMILY LAW	)	Supreme Court Number
PROCEDURE OF JANUARY 8, 2015	)	R-15-0006
	)	

Revision was March 12, is March 13: Added notations "**PC fees", "lack of recourse /appeal process", "Qualification of PCs" and "scope of authority**" as they apply to the 8 Proposed Solutions" and 4 "Comments".

Revision was March 9, is March 12, 2015; Corrects format errors and provide "Analysis of the Comments provided by Annette Burns" March 10, 2015, 4 Comments which begin on Page 12.

Petitioner, Martin Lynch, is a consumer of Parenting Coordinator services and is one of the many people mentioned by Judge Barton on Jan 8, 2015 (Page 1 of 43) who are dissatisfied with the Parenting Coordinator Process to the point of total frustration and unacceptable harm to my son and by extension, we must presume, many other children in this community. Petitioner shall speak to Judge Barton's petition Pages 1 thru 43 which should facilitate subsequent analysis of this Rule 28(D) Formal Comment and incorporation of changes proposed in this document. Petitioner, Martin Lynch, Father

from Tempe AZ in Maricopa County respectfully petitions this Court to amend Rule 74 of the Rules of Family Law Procedure as shown in this Formal Comment as it speaks to Judge Barton's Petition Pages 1 thru 43 of Jan 8, 2015 and the 4 Comments, Ms Burns.

I. Background and Purpose of the Proposed Rule Amendments.

It is not surprising that the Legislature has received complaints from constituents regarding Parenting Coordinators. What we have is obviously a broken process but this is nothing new. At Boeing, the 787 Dreamliner was 5 years behind schedule to deliver the first aircraft. After two previous attempts had failed, Petitioner was brought in to lead the team that analyzed existing documentation and processes, identified and prioritized areas of process dysfunction then proposed, documented and implemented corrective measures. The 787 is now shipping 12 per month, well above the 10 per month goal, and Boeing stock has doubled.

It is important to note that the revisions proposed in this document are designed to improve the functionality of the Parenting Coordinator process by better serving its customers as defined by a revised Rule 74. At the same time these changes would bring the process into compliance with ISO 9001 with perhaps a few minor findings from the auditor. Plaintiff strongly urges this court to take the next step and state in Rule 74 "The Parenting Coordinator Process shall be certified compliant to ISO 9001 by Jan 1, 2016 and shall remain compliant." When you boil it down, complying with ISO 9001 is merely nothing more than doing what you are supposed to be doing. ISO 9001 certification is proof that you are doing what you are supposed to be doing.

More important than ISO 9001 certification, which would be a blanket solution, are what Plaintiff asserts to be felony crimes and conspiracy to commit felony crimes which are subject to Federal jurisdiction as illustrated in this document. Perhaps we can disagree on some items, but Plaintiff thinks we can all agree that nobody wants to go to Federal prison.

Plaintiff believes that he was put on this earth to accomplish something more significant than making a lot of money. We are put here to use our God given gifts and talents to serve the welfare of others, especially children, and to leave this world a little bit better off than how we found it.

PROBLEM #1: (Relates to qualifications of PCs, scope of authority)

No job descriptions. For any process to function properly, it is first necessary for all of the Principals to clearly understand what it is they are trying to do. This is the foundation of everything else we are working on here. Curiously, the job descriptions for

the Judge and the PC are found near the end of Form 11 **(Exhibit B)**, but reference to Form 11 is nowhere to be found in Rule 74 "Appendix B" (Pages 26 to 37 of 43) submitted to the Supreme Court Jan 8, 2015. For everyone's convenience Plaintiff submits "the current version" of Form 11 **(Exhibits A & B).** If Form 11 is expected to provide any benefit, regular people must know that it exists.

PROPOSED SOLUTIONS #1: Plaintiff petitions the court to add the following text to the beginning of Rule 74, perhaps as Item *i* so you can retain the same lettering system for the rest of the document, or use whatever lettering system you like.

i. Responsibilities and Definitions

1) A parent's job is to provide for the welfare of their children as best they can and to follow the court orders.

2) A judge's job is to make orders that are based on the law, including the best interests of the children.

3) 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 the current court orders.

Also, please add "Form 11 is provided by the court for reference and additional guidance" somewhere near the end of Appendix B.

PROBLEM #2: (Relates to qualification of PCs, scope of authority)

Document Control: Because of the massive problems encountered by Plaintiff as a consumer of Parenting Coordinator services, Plaintiff finds himself very familiar with all of the Rules, Statutes and Forms related to the PC process. It seems to Plaintiff that Form 11 has been recently revised yet there is no revision date on Form 11 so who knows what we are looking at? The rules of documentation control are clear and apply to any industry or venue. The minimum standard is a "revision date". If a document is so informal that it does not merit document control, then get rid of it.

PROPOSED SOLUTIONS #2: Please add a revision date to Form 11 and to Rule 74. In addition, Plaintiff has observed Parenting Coordinators utilizing key process documents such as "Rules of Email" with no document control. Please add "All documents utilized by parenting coordinators when conducting the business of this court shall be controlled documents with numbered pages. The minimum standard shall be a "revision date." Please add this somewhere directly to the text of Appendix B, probably near the end.

PROBLEM #3:

(Relates to PC fees, lack of recourse/appeal process, qualifications of PCs, scope of authority)

The reason we are having so many problems with these Parenting Coordinators is simple. We don't have any Parenting Coordinators. These people who call themselves Parenting Coordinators with very limited or no judicial powers of their own are certainly not Parenting Coordinators as described in the statutes. These people are Judges with one very important difference, they can use the power of their Judicial office to order their clients or victims to produce any amount of money specified which they then put in their own pockets. Not even Judge Barton or the AZ State Supreme Court can do that.

This is preposterous you say. The statutes clearly limit the powers of the Parenting Coordinator to make nothing more than recommendations to the Judge. Yes, the documents do say that, but in practice what we actually have is a rubber stamp (see Comment #4 Page 40 of 43) in the drawer of every family court judge for use on every PC "Recommendation" presented to the Family Court. The rubber stamp says "The PC has Spoken, So Ordered". Plaintiff asserts, and will now show proof, that this rubber stamp is used on 100% of the "Recommendations" presented to the Family Court. If the Family Court abrogates its oversight responsibilities in this way, then the PCs are no longer PCs, the court has effectively handed these cases completely over to the PCs thus transforming them into Judges.

The Proof: In my case Plaintiff was notified of a pending PC session to discuss complaints made by Mother. Father had not been furnished a copy of this complaint and upon requesting it was informed that the PC's secretary had told her it was not necessary for Mother to provide "disclosure" to Father "simultaneously" as required by Standard Order of Appointment Sec (3)(d) which is a fundamental civil right grounded in statute going back to British Common Law. Father was informed by the PCs secretary in writing (FC2011-002533 Exhibit C15, filed Jan 15, 2015) that the rule did not apply because Mother had filed the complaint with the PCs secretary and not the PC. Father protested to the court that he was being denied his basic civil right to disclosure in violation of the law and filed a written appeal with the Family Court. The comment from the PC to the Judge can only be described as **brazen**. The PC actually wrote that if Father knew of Mother's complaint that they might work the issue out by themselves rather than come to the office for another session (costing yet another $1200) as is the intention of the PC process". (Exhibit C20, filed Jan 15, 2015)

How did the Judge respond to this outrageously abusive non-sense? Since the 100% rubber stamp rule is in fact what we have, the Judge reached into his drawer and pulled out his rubber stamp and said "There you go. Pay the $1200 to address the complaint

even though you don't know what it is, because you have not been informed of the allegations made against you."

Plaintiff can cite example after example of this kind of rubber stamp Judicial misbehavior but most of this is already contained in the Jan 15, 2015 filing which is approximately 360 pages. Suffice it to say that in Plaintiff's case, Judges have ruled 100% of the time, without a single exception to proceed outside of the established statutes to use their Judicial discretion to violate the law, causing harm to the minor child but always protecting the financial wellbeing of the PC.

Obviously Judge Barton would respond that some or most of the Judges do decline to accept some of the PCs "recommendations". She might be right but Plaintiff has facts and data. Judge Barton has nothing but feelings and words. Therefore, Plaintiff wins the argument. But this is good news, because it leads us to a simple cost effective solution.

PROPOSED SOLUTIONS #3: If you have no data, get some.

Each Family Court Judge shall keep a simple log of
A) the number of PC recommendations processed,
B) the number of challenges filed to PC recommendations, include case number and date
C) the number of recommendations that were modified or rejected, include case number and date.
These statistics shall be periodically (quarterly) reported to the presiding judge, compiled and published on the court's web site.

Now Judge Barton and all of us would have visibility and confidence in the system. Any Family Court Judge who processed 240 PC recommendations and received 35 challenges but reversed or modified nothing, might need to have a meeting with Judge Barton. Simply take the text underlined above and insert it into Rule 74 and "viola", PCs will be PCs again and Judges will be exercising due diligence and the appropriate Judicial discretion because somebody is paying attention and looking over their shoulder, expecting them to do their job. If we implement Solution #1, we will all know what their job is.

Survey: An additional necessary and cost effective measure would be "Upon his initial contact with new clients a PC shall furnish a copy of the "PC Survey" which shall be drafted, maintained by and made available on the website of the Arizona State Board of Psychologist Examiners along with the "mail to" address of the Family Court. The survey shall not exceed one page and consist of questions with ratings of 1 to 10(best). From these numbers a composite score shall be calculated and applied to the document by the court. At the end shall be 4 lines made available for comments and followed by a signature line for the Presiding Judge of the Family Court confirming review prior to

entry into the court record and shall be public records. Parents shall identify themselves using their initials and the last 3 digits of their case number and are allowed to submit one survey for each PC during the period from appointment thru 6 months after dismissal. The PC shall be identified by name. Twice per year in a six month cycle the three PCs with the lowest composite score shall be identified by the court and notification sent to the 3 PCs and the Board of Psychologist Examiners. These 3 PCs shall be scheduled to appear before the board to explain the result and to seek guidance for ways to improve their performance ratings. These examinations should take around 10 minutes each = one hour per year for the board to spend on this task. Any PC who fails to participate and satisfy this requirement in good faith shall be stricken from the court roster. Any PC who is rated in the bottom 3 on three consecutive 6 month periods shall be stricken from the court roster."

For those that will complain that this record keeping is too much trouble or too expensive the answer is "No. It's not that bad." All documentation and record keeping must meet a standard "The benefits and protections afforded to the public must outweigh the cost of the oversight function." By Judge Barton's own admissions (Page 1 of 43), numerous complaints from the Legislature regarding abuses and failures obviously stemming from a dysfunctional PC process must render any reasonable proposal for oversight and management of the PC function worthy of consideration.

The only other reasonable solution is to abolish the position and function of the Parenting Coordinator because the rubber stamp (PC = Judge) process that exists now, is far more dangerous and harmful to this community as a whole, than any possible benefit. We must fix it, or get rid of it. The options available to this court are ranked in terms of overall benefit to both the courts and to this community as follows.

Best = Compliance to ISO 9001. Everybody doing what they are supposed to be doing as proven by data, incorporating continuous improvement.

Bad = Abolish the PC Process.

Worst = Keep doing what we are doing now.

Plaintiff wishes to challenge the generally accepted wisdom that PCs are indispensable because they save the court so much time. Really? What about the big giant document you are reading now? What about the 43 page document produced by Judge Barton and the proceedings before the Supreme Court? What about all the complaints to the Legislators from families with children who have been harmed? Plaintiff asserts that the court is actually spending more time managing problems created by a dysfunctional PC process than if Rule 74 did not exist at all. If the court wishes to actually save time they must reform the PC process to something close to ISO 9001 or

finish the job and simply adopt ISO 9001 certification.

PROBLEM #4:

(Relates to lack of recourse/appeal process, qualifications of PCs, scope of authority)

Complaints of Felony Crimes: Page 35 of 43 Item Q is presented as newly added item and we should presume that it provides some additional measure of protection for the public. Line 13 & 14 "the court must take whatever action it deems appropriate" and "At minimum, if the court concludes". So we are left with the question, "What "must" the court do?" And the answer is clearly "nothing". The court retains complete Judicial discretion to do nothing about anything they choose. Once again we must recognize the reality. To accurately reflect the ongoing reality, the Rule should be clarified to read "Any alleged impropriety or unethical conduct shall be brought to the attention of the court in writing so that it can be ignored and thrown in the trash." Plaintiff only presents this as the plain truth because once again the evidence supports this assertion 100% of the time. Please see filing FC2011-002533 Jan 15, 2015 and petitions for change of Judge.

Ordinarily Plaintiff and most people would recognize that it is reasonable for Family Court to exercise Judicial discretion when evaluating complaints of alleged impropriety or unethical conduct. However, such complete discretion is certainly not appropriate when Family Court is evaluating charges of Felony Criminal Offenses. On Jan 15, 2015 Plaintiff submitted evidence and documentation to substantiate 4 four Felony Crimes. What has happened to these very serious charges? Perhaps they are floating around in a dumpster somewhere. Since Family Court is not expected to be well versed in the ARS Title 13 Criminal Code, specific written direction is appropriate and necessary to properly process allegations of Felony crimes.

PROPOSED SOLUTION to #4: If Felony Crimes have been alleged, the Family Court shall immediately forward the matter and supporting documentation to either the County Attorney's office or the Arizona State Attorney General's Office. The investigating body shall have 30 calendar days to notify in writing the Family Court and the Complainant of the findings and or pending actions. The response shall be reviewed, approved and signed by the chief executive officer of the investigating law enforcement agency. Caution: Unsubstantiated or false accusations of this nature may be actionable in both civil and criminal court. Please insert this text into Item Q page 35 of 43.

Please understand the entire value of this proposal. If there are ongoing criminal activities which Family Court fails to appropriately deal with, especially if the offenses rise to the level of Federal Crimes that might fall under Federal RICO Statutes, individuals in this court, regardless of Judicial title or rank, risk making themselves part

of an ongoing criminal conspiracy. Plaintiff invites anyone to review the RICO Statutes and sentencing guidelines. If PCs are surreptitiously granted backdoor judicial powers and use these powers to steal money while inflicting harm upon vulnerable families in crisis, particularly their children, and the court creates and sanctions all of this, and then covers up these offenses by either their actions or failures to act, well, some people would consider that problematic. At the Department of Justice (40 N Central Ave, Suite 400) they use the term "criminal syndicate". A special agent at the FBI (21711 N 7th St) referred to it simply as "organized crime". What rational person would care to expose themselves to Federal criminal jurisdiction? Should the FBI agents show up, this court would be in a much better position if they could say "We are following an ISO 9001 certified process and as part of that process this criminal allegation has been reviewed by the AG and his signature here says we are OK." It should be easy for anyone to understand that complete jurisdiction and disposition of felony criminal allegations, does not belong in Family Court.

Plaintiff has been advised that everyone is better off if such matters at the local level are properly addressed at the local level. When asked if every available remedy at the state and local level had been exercised Plaintiff truthfully responded "Not yet, but we are getting there."

PROBLEM #5:

(Relates to lack of recourse/appeal process, qualifications of PCs, scope of authority)

Immunity: (Page 35 of 43 Item P) has not been revised or clarified "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." The type of immunity is not specified which can only lead to endless conflict when dealing with PCs who happen to be corrupt. Judicial immunity is absolute immunity and applies to judges. This protects them from recourse even if they are grossly negligent or intentionally act to cause injury.

Arizona law describes "Qualified Immunity" (ARS 12-820.02) with a limitation of "unless acting within the scope of their employment intended to cause injury or was grossly negligent". At this time Civil Courts are free to interpret this immunity to mean Judicial immunity and have specifically done so for Judges and Parole Officers. There is no case law directed specifically granting Judicial Immunity to Parenting Coordinators and there must not be because only a Parenting Coordinator gets paid more if he is grossly negligent or intentionally causes harm to his clients and their children. The immunity provisions of Rule 74 MUST be clarified and afford appropriate protections to

the public.

PROPOSED SOLUTIONS to #5: "Clarification: The Parenting Coordinator has "Qualified Immunity" in accordance with Arizona law (ref 12-820.02) as to all acts undertaken pursuant to and consistent with the appointment order of the court unless acting within the scope of the appointment order was grossly negligent or intended to cause injury. This limitation of immunity may not be removed by the signature of a client but a client may agree in writing to accept binding arbitration. This Qualified Immunity begins on the day of the appointment order and ends six months after the PC is dismissed by the court or the day a new PC is appointed to the case, whichever occurs first." Plaintiff proposes this as a simple solution, added to Rule 74 "immunity" clause. It provides clarity and accountability for future and existing cases and would not clog up the courts.

The issue of corrupt Judges is more complex. Plaintiff is not prepared to recommend that we strip Judges of their Judicial immunity in cases involving a PC appointment but some measure of accountability is necessary if it can be done without harming the legitimate underlying judicial function to provide for the public good which should read as follows. "If a Judicial order stemming from a PC recommendation is overturned in the Arizona State Court of Appeals, that Judge shall effect the orderly transfer of all of that Judges cases involving Parenting Coordinators to other Judges within 30 calendar days. In addition, that judge shall not be empowered to appoint a Parenting Coordinator for a period of four years after the date of the said Appellate action." Add to immunity clause.

Some will cry that this measure is too terrible and something we can't live with. The response is "No, It's not that bad". How many PC Orders have been overturned in the Court of Appeals? This measure would serve to motivate Judges to actually perform their Judicial oversight responsibilities and read the recommendations put forth by PCs and to consider the arguments against recommendations as opposed to summarily discarding legitimate complaints, which is what they do now.

PROBLEM #6:

(Relates to PC fees, lack of recourse/appeal process, qualifications of PCs, scope of authority)

PC Performance Standards, Best Practices, Standard Orders, etc. In Plaintiff's case, a parenting time schedule/google calendar, joint child care expenses reconciliation tool/Excel spread sheet and a comprehensive list of all court orders, was all created from scratch by Plaintiff at great cost in time and effort. Only later did Plaintiff discover that these resources already existed in many places and the PC was merely shoveling busy work upon the Plaintiff as part of his strategy to wear down Plaintiff and reduce future

resistance to this unusually corrupt PCs efforts to cause harm and repeated failures to enforce existing court orders so he could profit from the chaos and harm created by him by churning billable hours and so he could take all of our money.

PROPOSED SOLUTION to #6: Standard documentation needs a place to reside and be controlled and maintained as necessary. This could be done by the court using Form 11 or by the Arizona Board of Psychologist Examiners and made available on their website. Plaintiff favors Form 11 but is not picky. This document can be titled anything you like. Plaintiff suggests that since ISO 9001 requires that an organization have a "Quality Manual" that the court simply title this document "Quality Manual" so as to be automatically in conformance.

Plaintiff has made the following statement on three prior filings to the court and each time this statement has been ignored. Plaintiff will try once again. Plaintiff is able and willing to draft all the documentation that might be pleasing to the court and to perform these services "pro-bono" as a service to this court and the people of this community.

PROBLEM #7:

(Relates to PC fees, lack of recourse/appeal process, qualifications of PCs, scope of authority)

Ancillary Services: This is an area ripe for corruption which has already been experienced firsthand by Plaintiff and it appears to be standard practice. There should be no disagreement that substance abuse and the effects of substance abuse are widespread in our community and common in Family Court. AA has 1500 meetings per week in the metro Phoenix area alone. Mother was suffering from alcoholism which had been discussed and was copiously documented. Left untreated, alcoholism it ultimately a fatal disease. At no time did any of these highly educated PCs ever once mention AA as a possible resource. PC services are very expensive. AA services are free. Things eventually got so bad that Mother finally went to AA and is now recovering from the damage done during the years that this disease went untreated. Plaintiff is told that she will likely never fully recover.

ARS 13-2310(A) is simple and clear. "Any person who" "knowingly obtains any benefit by means of" "material omissions is guilty of a class 2 felony." Perhaps a jury would find that a trained PhD Psychologist doesn't know anything about alcoholism and never heard of AA, but Plaintiff is not buying it. Once again Plaintiff presumes that this court does not wish to preside over a conspiracy to commit felony crimes.

PROPOSED SOLUTION to #7: A list of ancillary services for various forms of substance abuse can be readily produced and made available to all PCs via the Form 11 Quality Manual or other means. Due to the serious nature of this matter, Plaintiff asserts

that it is necessary and appropriate to add the following text to the Rule 74 section regarding ancillary services. "Especially when substance abuse has been identified, disclosure of ancillary services is mandatory per ARS 13-2310(A). The court shall establish the minimum standard by making available lists of services to PCs and to the Public. PCs shall present copies to new and existing clients for initials and signatures at the places indicated. Copies of this signed document shall be kept in the clients file and also provided to the client for their reference and benefit. Any notice of failure to comply with this provision shall be forwarded directly to the appropriate law enforcement agency." Problem solved.

PROBLEM #8: (Relates to "scope of authority")

Page 9 of 43 Line 7 "Making Rule 74 more comprehensible" by "Avoiding legal jargon and ambiguous terminology, including the word "shall", by replacing "shall" with better words like "may" or "should". This is a huge red flag. "Shall" is not unclear legal jargon, rather it provides clarity. It is known as an "imperative" which means that this is something that will be done. Changing "shall" to "may" or "should" or most anything else means the opposite of "shall". If you like things stated in "plain English" then change the word "shall" to "we are not going to do that".

PROPOSED SOLUTION to #8: Be very careful about changing the word "shall" to anything else. Any attempt to water down language necessary to protect "vulnerable families in crisis and the children of those families" using this or any other artifice "shall" be vigorously opposed in every available venue.

Plaintiff has examined "Association of Family and Conciliation Courts' *Guidelines for Parenting Coordinator*" referenced on page 9 of 43 Line 12. This "guideline" document does not recognize or do anything to address the clearly dangerous financial conflict of interest inherent in any Parenting Coordinator process and it contains none of the additional safeguards found in this document proposed by Plaintiff. Plaintiff was able to determine that these guidelines were last revised May 2005 which is better than Rule 74 or Form 11 which carry no revision dates. However, this does indicate that this document of guidelines hasn't been updated or improved in ten years and is therefore obviously not subject to any form of continuous improvement which over time will eventually render any process document useless. In an effort to effect positive change Plaintiff has joined and is now a member of AFCC. As a follow-up activity, Plaintiff has contacted the "Association of Family and Conciliation Courts" Executive Director and asked "Since Courts around the country are looking to us for leadership, how can it be

that in ten years we can't think of anything that could be done better?" Plaintiff is interested in positive change in service to the community so naturally he shall also offer his services to the Association and will keep this court informed of progress there.

Analysis of the Comments provided March 10 by Annette Burns

Plaintiff recognizes Ms Burns as an accomplished professional who comes from a different professional background and associated standards. It is clear that she has never been on the business end of a truly corrupt Parenting Coordinator, making her situation worse, creating the need for additional expensive services while causing harm to her and to her children in the process; effectively stealing her money. Overall, Plaintiff and Ms Burns agree on over 90% of the points presented by her. Matters not addressed in the following comments may be interpreted to mean agreement by Plaintiff. Some matters are of concern and addressed by Ms Burns while not addressed by Plaintiff and the same is true in reverse as would be expected.

Comment #1) (Relates to PC fees, lack of recourse/appeal process, qualifications of PCs, scope of authority) At the bottom of Page 2 of her document Ms Burns asserts that the scope of the problem is statistically insignificant. Plaintiff could not disagree more and can cite "evidence" from multiple sources including those online that are there for anyone who cares to look. Ms Burns cites complaints from 4 – 6 litigants but she must also know that for every complaint that went to a Legislator there must be 10, 20 or maybe 30 more that went to other places or were never registered by overworked or unsophisticated victims. These 4 – 6 complaints must be written down. Why don't we look at all the complaints we can find as part of the effort to understand the problem and effect solutions? Plaintiff stands by his assertion that the 100% Rubber Stamp Rule is in effect resulting in the improper transfer of judicial authority, effectively and in fact converting PCs into Judges.

Comment #2) (Relates to PC fees, qualifications of PCs) Re. Page 3 Item 1. "using a friend or family member?" Plaintiff agrees with Judge Barton. Plaintiff did not know of this opportunity until just now being advised by Ms Burns in her document. Anyone designated to function as a PC should be required to take the PC class. Plaintiff has done a lot of pro bono work for the Catholic Diocese of Phoenix and has partnered with the good people of LDS. Both of these faith based organizations have groups that exist now that could provide services to families in financial need with the proper training. Plaintiff urges the court to in some manner include these organizations in Rule 74. It is necessary to point out that these proposals would likely affect the incomes of PCs including Ms Burns. Plaintiff is confident that capable and competent professionals will always have

people willing to pay for their services. Our focus must be on caring for the "vulnerable families in crisis and the children of those families" of our community, regardless of their ability to pay.

Comment #3) (Relates to PC fees, lack of recourse/appeal process, qualifications of PCs, scope of authority) Page 14 Section P "Immunity" Ms Burns has no comment which is disturbing to Plaintiff who has proposed substantial clarification (Problem/Solution #5) which he believes is critical to the proper functioning of the PC process.

Comment #4) (Relates to PC fees, lack of recourse/appeal process, qualifications of PCs, scope of authority) In her conclusion Ms Burns states that Rule 74 should be reviewed by a "full committee comprised of professionals actually involved in parenting coordination". Plaintiff must say that Ms Burns has lost her way. There are other smart people with different perspectives who can contribute to the successful functioning of the PC process. You are 1700 times more likely to be killed in your car than a commercial airplane. Airplanes are built, flown and maintained by people so how can this be? Answer: Applying elements of the scientific method of process control "ISO 9001" only to the level necessary to achieve the desired results. Expending more resources than necessary is a waste of time and money. Plaintiff has proposed some minor record keeping and surveys (Problem/Solution #3) as a means of providing data so the process can be monitored. Not every PC is as good as Ms Burns. That is a problem. Even though Ms Burns is a good attorney and one of the best PCs, Plaintiff is willing to speculate that she has on many occasions committed a class 2 felony as described (Problem/Solution #7) without ever being aware of the offense. This hole in the PC process must be plugged immediately.

Some of these people who are the customers of the PC process must reasonably be represented, not solely the PC/Judicial bureaucracy and its self-interests. Many of us find ourselves abused beyond comprehension by a system that financially rewards such abuse. 360 pages outlining these abuses were filed with the court Jan 15, 2015, and ignored probably because it conflicted with the rubber stamp process. The function of the current loosely defined and unmonitored (lack of oversight) process has devolved such that "Vulnerable families in crisis and their children" are being underserved by good PCs and exploited and harmed by the predators which must inevitably emerge in the shadowy unaccountable world of Parenting Coordinators. Enough is enough.

Conclusion (Plaintiff - Martin Lynch)

It is reasonable to expect that pursuant to Rule 28(E) Plaintiff shall be exercising his responsibility to "request that a public hearing be held on the proposed rule change". Plaintiff is particularly interested in input from the "Government Affairs Group" mentioned on Page 1 of 43 Line 9 by Presiding Judge Janet Barton.

The goal of this process is to provide for the welfare of this community as best we can by addressing specific concerns identified by the Legislature and Judge Barton - PC fees, lack of recourse/appeal process, qualifications of PCs, scope of authority. Plaintiff asserts that the work of Judge Barton and the ad hoc committee Jan 8, 2015, plus Ms Annette Burns May 10, 2015 and this document by Mr Martin Lynch March 13, 2015 cumulatively represent a potentially huge stride in customer service and customer satisfaction provided to "vulnerable families in crisis and their children".

Incorporation of these provisions into Rule 74 and Form 11 as an ISO 9001 certified process would clearly establish Rule 74 as the national standard of good government by incentivizing and documenting the ongoing improvement of best practices for Parenting Coordinators and by providing real protections for the public. It is in the best interests of all of us including our courts and the entire community that we are truly doing the best we can to care for and protect "vulnerable families in crisis and the children of those families".

Is there something else we could accomplish in our professional lives that could be more important or personally satisfying? Plaintiff thinks not.

Respectfully and Sincerely,

_____ **March 13, 2015**

Martin Lynch

Form 11. Parent Information Regarding the Use of Parenting Coordinators

PARENT INFORMATION 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.

A Parenting Coordinator is a professional appointed by the court to assist parents in resolving disputes about parenting their children and to make recommendations to the court for orders if the parents are unable reach a resolution.

Parents may want to hire a Parenting Coordinator when other avenues of problem resolution have not resulted in an ability to make recommendations to the court about their children and there are continued disagreements about such issues as schedules, overnight parenting time, choice of schools, extracurricular activities, exchanging the children, holiday scheduling, the handling of the children's behavior, religious training, health issues, and problematic behaviors on the part of one or both parents. Many times, the family has already participated in a custody/access evaluation.

Parents may 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 the Parenting Coordinator or the number of meetings with the Parenting Coordinator will be determined by the conduct of the parties. The Parenting Coordinator will determine the actual number of meetings that are necessary for any specific issue/issues.

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 to get other information such as the children's opinion, information from 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.

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.

Exhibit A

Hiring a 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. 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 Parenting Coordinator can resign. If one parent is unhappy with the Parenting Coordinator, that parent cannot alone discharge the Parenting Coordinator. If the Parenting Coordinator acts in a manner that seems 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 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 the complaint and make a decision. If the Coordinator is removed, a new Parenting Coordinator may be appointed.

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 the current court order.** Whenever possible, a major goal is to help families develop their skills so they do not 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.

Exhibit B