

The Honorable Janet Barton, Chair
Parenting Coordinator Rule Petition Review Committee
1501 W. Washington St., Ste. 410
Phoenix, AZ 85007
(602) 452-3252
SPickard@courts.az.gov

IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:

| | | |
|----------------------------|---|----------------------|
| PETITION TO AMEND RULE 74 |) | |
| OF THE RULES OF FAMILY LAW |) | Supreme Court Number |
| PROCEDURE |) | R-15-0006 |
| |) | |
| |) | Petitioner's Reply |
| _____ |) | |

The Honorable Janet Barton, Chair, Parenting Coordinator Rule Petition Review Committee (Committee), files this Reply consistent with the Court's prior order authorizing a modified comment period.

Appendices to this Reply. Attached to this Reply are Appendices A and B, which contain the final set of proposed amendments to Rule 74 of the Arizona Rules of Family Law Procedure. Appendix A is a marked-up version of Appendix 1 to the May 20, 2015, Amended Petition; it shows the revisions to the proposed rule that were made after the June 13, 2015, second comment period deadline. Appendix B

is a clean version of Appendix A. Appendix C is a table that summarizes the comments and Committee responses by paragraph.

I. Introduction. The Amended Petition received 13 formal comments by the June 13, 2015, deadline. Two comments were from attorneys, one from a retired superior court judge, and the remainder from the general public. Some of these comments resulted in the amendments listed below, while others did not address issues within the scope of the Committee’s charge.

The Committee also received comments during the Call to the Public at its June 24, 2015, meeting. Judge Barton made the Call to the Public at the beginning of the meeting. Having received two Request for Comment forms after that initial call, Judge Barton made a second Call to the Public at the end of the meeting.

II. Discussion. Overall, the appointment “by stipulation only” concept was supported as was the enumerated list of agreements and acknowledgements that must be contained in the stipulation.

Listed below are the amendments affected by comment and incorporated into the proposed amended Rule 74 by paragraph. These amendments range from very minor (such as a revision to a word, phrase, or punctuation mark) to a complete change of concept (as evidenced in paragraph I Emergency Authority and Procedures). If a paragraph is not listed below, the comments, if any, along with the responses to such are documented in Appendix C.

B. Appointment of a Parenting Coordinator. Subdivision 1 of this paragraph requires that each parent stipulate that the parent understands how the parenting coordinator bills for services and acknowledges that the parents can afford the parenting coordinator's services. One commenter indicated that the parents should also know the parenting coordinator's hourly rate. The Committee agreed and amended B.1., which now reads as follows:

“1. each parent understands how the parenting coordinator bills for services, including the parenting coordinator's hourly rate, and the parents can afford the parenting coordinator's services;”

E. Term of Service. As discussion of the parenting coordinator's hourly rate and length of initial term of appointment progressed, the Committee determined that these issues also needed to be addressed for reappointment. The amended paragraph B.2. now reads:

“2. Reappointment. The parenting coordinator cannot be reappointed at the end of the term unless each parent and the parenting coordinator agree to the reappointment in writing or orally on the record in open court. By agreeing to the reappointment, each parent is acknowledging the parent's understanding and acceptance of subdivisions 1-4 in paragraph

B, above. The reappointment term cannot exceed one year unless each parent and the parenting coordinator agree to a longer term.”

In adding, “the subdivisions 1-4 in paragraph B,” the Committee envisioned that reappointment of the parenting coordinator would be conducted by stipulation with the parents restating their agreement to those provisions.

F. Fees.

1. Disclosure of fees. The Committee considered a comment suggesting that a parent should be able to dismiss a parenting coordinator who changed the hourly rate without the agreement of both parents. Rather than amending paragraph E.5., as suggested, the Committee amended paragraph F.1., to read:

“1. Disclosure of Fees. The parenting coordinator must fully disclose all fees and charges to each parent before services requiring payment can begin. A parenting coordinator cannot increase the parenting coordinator’s hourly rate during a term of appointment.”

This language includes the term of reappointment. Any increase in the parenting coordinator’s hourly rate must be disclosed to parents before their stipulation to reappointment is filed.

3. Sanctions and Reallocations of Fees. In response to a comment, the Committee amended this paragraph to allow a parent, as well as the parenting coordinator, to recommend to the court, as a sanction, an adjustment to the allocation of the parenting coordinator's fees. This reallocation of fees would be applied to fees for services previously rendered and not as a reallocation of fees going forward. The paragraph, if adopted, is as follows:

“3. Sanctions and Reallocation of Fees. Where one parent is reasonably believed to be using parenting coordinator services excessively or to harass the other parent, a parenting coordinator or a parent can recommend, as a sanction, an adjustment to the allocation of the parenting coordinator's fees. Any recommendation must be filed with the court in writing and must explain in detail the reason for the recommended fee reallocation. The recommendation must be provided to each parent or counsel, if represented, if filed by the parenting coordinator, and if filed by a parent, to the parenting coordinator and the other parent or counsel, if represented. Each parent may file an objection to the recommendation within 10 business days after the date the written recommendation is filed. If an objection is filed, the court must hold a hearing before reallocating fees.”

H. Scope of Appointment and Authority. The Committee agreed that “helping parents to identify disputed issues” is beyond the scope of the parenting coordinator. Paragraph H.1.a. was amended to limit the parenting coordinator’s scope to “helping parents address disputed issues.”

I. Emergency Authority and Procedure. This paragraph has been rewritten to provide an option for safeguarding the child other than giving the parenting coordinator the authority to make a temporary emergency change to legal decision-making or parenting time. This paragraph was a concern to some Committee members and commenters. If this paragraph is adopted by the Court, the parenting coordinator will be authorized to file a motion for temporary orders without notice. The court will be required to accept the motion for filing. The non-impaired parent must subsequently file the underlying petition to modify. The amended paragraph reads as follows:

“If, based upon the parenting coordinator’s personal observation, the parenting coordinator determines that a parent’s functioning is impaired and the parent is incapable of fulfilling either the court-ordered legal decision-making or parenting functions, or the parent’s conduct will expose the child to an imminent risk of irreparable harm, a parenting coordinator is authorized to file a motion for temporary orders without notice pursuant to Rule 48.

The court must accept the motion for filing even though a petition to modify under Rule 91 has not been filed.”

L. Objection. The Committee agreed that 10 business days may be an insufficient amount of time for a parent, especially a *pro per* parent, to file an objection to a parenting coordinator’s decision. This time period has been extended to 20 calendar days after the date of the filing of the parenting coordinator’s report.

IV. Conclusion. The Committee believes that the most recent version of the proposed amended rule, as shown in Appendices A and B to this Reply, corrects those items in the May 20 version that required correction, clarifies those previous provisions that required clarification, and generally improves the May 20 version. The Committee, therefore, requests adoption of the proposed rule set forth in Appendix B.

The Committee Chair acknowledges, with gratitude, the members of the Parenting Coordinator Rule Petition Review Committee, who volunteered their time and expertise to this project and worked hard to draft a Rule that protects litigants while recognizing the important function parenting coordinators can and do provide families in crisis.

RESPECTFULLY SUBMITTED this 13th day of July, 2015.

By /s/ Janet Barton
The Honorable Janet Barton, Chair
Parenting Coordinator Rule Petition Review
Committee

APPENDIX A

(Marked up version of Amended Petition Appendix 1)

A. Purpose of Parenting Coordination. Parenting coordination is a child-focused alternative dispute resolution process. The overall objective of parenting coordination is to assist parents with implementation, compliance, and timely conflict resolution regarding their parenting plan, ~~in order~~ and legal decision-making orders so as to protect and sustain safe, healthy, and meaningful parent-child relationships.

B. Appointment of a Parenting Coordinator. The court may appoint a third party as a parenting coordinator in proceedings under Title 25, A.R.S., at any time after entry of a legal decision-making or parenting time order only if each parent has agreed to the appointment either by written stipulation or orally on the record in open court.

The stipulation must state:

1. ~~that~~ each parent understands how the parenting coordinator bills for services, including the parenting coordinator's hourly rate, and the parents can afford the parenting coordinator's services;
2. the manner in which the parenting coordinator's fees will be allocated between the parents;
3. the method by which the parenting coordinator will be selected or the name of the agreed-upon parenting coordinator;

APPENDIX A

4. ~~that~~ the parents agree to the release of documents the parenting coordinator deems necessary to the performance of the parenting coordinator's services;
5. the term of the appointment; and
6. ~~that~~ the parents agree to be bound by decisions made by the parenting coordinator that fall within the scope of the parenting coordinator's authority and relate to issues submitted to the parenting coordinator for decision.

Nothing in this rule is intended to prevent parents from requesting, or a court from appointing, ~~parent~~ parenting coordination assistance through the court's conciliation court services, if available. Parents obtaining parenting coordinator services through the court's conciliation court services must agree to ~~parts~~ subdivisions 4 through 6 above.

C. Selection of a Parenting Coordinator. A parenting coordinator appointed by the court must qualify as a parenting coordinator under paragraph D. A person appointed as a parenting coordinator cannot serve in any other function or role in the case. ~~When, except that~~ each parent and the parenting coordinator may agree, that a person who is serving or has already served in a legal, treatment, evaluative, or therapeutic role in the case can be appointed as the parenting coordinator.

D. Persons Who Can Serve as a Parenting Coordinator. The following persons can serve as a parenting coordinator:

1. an attorney who is licensed to practice law in Arizona;

APPENDIX A

2. a psychiatrist who is licensed to practice medicine or osteopathy in Arizona;
3. a psychologist who is licensed to practice psychology in Arizona;
4. a person who is licensed to practice independently by the Arizona Board of Behavioral Health Examiners;
5. professional staff of a court's conciliation services department; or
6. a person with education, experience, and expertise who is deemed qualified by the court's presiding judge or a designee.

The court can set additional requirements for service as a parenting coordinator.

E. Term of Service. The term of the parenting coordinator will be designated in the order of appointment.

1. Initial Term. A parenting coordinator's initial term cannot exceed one year unless each parent and the parenting coordinator agree to a longer term.

2. Reappointment. The parenting coordinator cannot be reappointed at the end of the term unless each parent and the parenting coordinator agree to the reappointment in writing or orally on the record in open court. By agreeing to the reappointment, each parent is acknowledging the parent's understanding and acceptance of subdivisions 1-4 in paragraph B, above. The reappointment term cannot exceed one year unless each parent and the parenting coordinator agree to a longer term.

APPENDIX A

3. Replacement of the Parenting Coordinator. Both parents can agree to replace the existing parenting coordinator by stipulating to the replacement in writing or orally on the record in open court. The stipulation that replaces the parenting coordinator ~~is subject to~~ must also contain the ~~statements required~~ stipulations in subdivisions 1-4 in paragraph B, above.

4. Resignation. The parenting coordinator can resign upon notice to each parent and order of the court.

5. Discharge. Both parents can jointly agree to discharge the parenting coordinator during the term of appointment. If only one parent wishes to discharge the parenting coordinator, that parent must file a motion with the court that ~~establish~~ establishes good cause for the requested relief. ~~Simply disagreeing~~ Disagreeing with one or more of the parenting coordinator's decisions does not constitute good cause for discharging the parenting coordinator.

F. Fees.

1. Disclosure of Fees. The parenting coordinator must fully disclose all fees and charges to each parent before services requiring payment can begin. A parenting coordinator cannot increase the parenting coordinator's hourly rate during a term of appointment.

2. Adjustment to Allocation of Fees by Parents. Both parents may agree to a change in the allocation of fees by amending the agreement in writing with the

APPENDIX A

parenting coordinator. Without the parents' agreement, a parenting coordinator cannot reallocate fees based on a change in a parent's financial circumstances.

3. Sanctions and Reallocation of Fees. ~~In instances where~~ Where one parent is reasonably believed to be using parenting coordinator services excessively or to harass the other parent, a parenting coordinator or a parent can recommend, as a sanction, an adjustment to the allocation of the parenting coordinator's fees. ~~The parenting coordinator must submit a written recommendation to the court and each parent or counsel, if represented, explaining in detail the reason for the recommended fee reallocation.~~ Any recommendation must be filed with the court in writing and must explain in detail the reason for the recommended fee reallocation. The recommendation must be provided to each parent or counsel, if represented, if filed by the parenting coordinator, and if filed by a parent, to the parenting coordinator and the other parent or counsel, if represented. Each parent may file an objection to the recommendation within 20 days after the date the written recommendation is filed. If an objection is filed, the court must hold a hearing before reallocating fees.

G. Confidentiality. Parenting coordination is not a confidential process. Therefore, the communications between the following are not confidential:

1. ~~between~~ each parent and the parenting coordinator;
2. ~~between~~ the child and the parenting coordinator;

APPENDIX A

3. ~~between~~ the parenting coordinator and other relevant parties to the parenting coordination process; and
4. ~~with~~ the parenting coordinator and the court.

Counsel cannot attend parenting coordinator meetings with their client unless each parent and the parenting coordinator agree or if ordered by the court. The parenting coordinator can meet with each counsel separately to obtain information relevant to the issue before the parenting coordinator.

H. Scope of Appointment and Authority. The court order appointing the parenting coordinator must specify the scope of the appointment.

1. A parenting coordinator's scope of appointment can include:
 - a. helping the parents ~~identify~~ address disputed issues, reduce misunderstandings, clarify priorities, explore possibilities for compromise, develop methods of collaboration in parenting, and comply with legal decision-making authority and parenting time orders;
 - b. making decisions regarding implementation, clarification, and minor adjustments to parenting time orders;
 - c. making decisions ~~on~~ regarding parenting challenges not specified in the parenting plan that the parents are unable to resolve. By way of example ~~only~~, these challenges can include disagreements about: pick-up and drop-off locations, dates and times; holiday scheduling; discipline; health issues;

APPENDIX A

personal care issues; school and extracurricular activities; choice of schools; and managing problematic behaviors;

d. interviewing and requesting documentation from anyone who has relevant information necessary to resolve ~~the~~ a matter currently before the parenting coordinator; and

e. recommending that the court order the parents or child 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.

2. A parenting coordinator must attempt in a timely manner to facilitate agreement on disputed issues between the parents ~~in a timely manner~~. If the parents are unable to reach agreement, the parenting coordinator will timely decide any disputed issues within the scope of the parenting coordinator's authority ~~in a timely manner~~.

3. A parenting coordinator cannot make a decision that will:

a. affect child support, spousal maintenance, or the allocation or property or debt;

b. change legal decision-making authority, ~~except as stated in paragraph I~~; or

c. substantially change parenting time, ~~except as stated in paragraph I~~.

APPENDIX A

I. Emergency Authority and Procedure.

- ~~1. If, based upon the parenting coordinator's personal observation, the parenting coordinator determines that a parent's functioning is impaired and the parent is either incapable of fulfilling either the court-ordered legal decision-making or parenting functions, or the parent's conduct will expose the child to an imminent risk of irreparable harm, and it is in the best interest of the child to do so, a parenting coordinator is authorized to make an emergency change in the court's legal decision-making or parenting time file a motion for temporary orders without notice pursuant to Rule 48. The court must accept the motion for filing even though a petition to modify under Rule 91 has not been filed.~~
- ~~2. When making an emergency decision, the parenting coordinator must notify the assigned judge and each parent or counsel, if represented, in writing by the next business day. The parenting coordinator must use a form substantially similar to the Parenting Coordinator's Report in Rule 97 of these rules. The report must include the reason for the emergency decision.~~
- ~~3. The court must hold a hearing on the emergency decision within 10 calendar days after receiving the parenting coordinator's emergency decision.~~
- ~~4. At the hearing, the court must approve and adopt, modify, or reject the parenting coordinator's emergency decision. The court must also decide what additional hearings, if any, are needed and set those additional hearings.~~

APPENDIX A

J. Report. The parenting coordinator's decision on an issue must be written in a form substantially similar to the Parenting Coordinator's Report in Rule 97 of these rules. The parenting coordinator must:

1. mail or transmit the report to the assigned judge—but not the clerk of the court—~~no~~ not later than five business days after receipt of all information necessary to make a decision; and
2. mail or transmit a copy of the report to each parent or counsel on the same day it is mailed or transmitted to the court.

K. Court Action. The court, upon receipt of the parenting coordinator's report, must file the report. If the report contains confidential or private information, it must be filed in a manner that prevents the public from accessing the report, pursuant to Rule 13(D) of these rules.

~~Except as otherwise provided in paragraph I, upon receipt of~~ Once the report has been filed, the court can do any of the following:

1. adopt the decision as an order of the court;
 2. reject the decision and report in whole or in part as outside the scope of the parenting coordinator's authority and affirm all or part of the current court order;
- or
3. set a hearing regarding the decision.

APPENDIX A

The court may use the Order Regarding Parenting Coordinator's Report in Rule 97 of these rules for purposes of this paragraph.

L. Objection. Provided that the parenting coordinator acted within the scope of authority pursuant to this rule and the appointment order, the parenting coordinator's decision is binding. If a parent believes that the parenting coordinator's decision exceeds the scope of the parenting coordinator's authority, the parent may object to the parenting coordinator's decision by filing a pleading with the court entitled **Objection**. The objection must be filed within ~~10 business day~~ 20 days after the date of the receipt filing of the parenting coordinator's report. The objection must explain in detail the reasons why the parent believes the parenting coordinator exceeded the scope of authority and whether a hearing is requested on the parent's objection.

M. Action on Parent's Objection. If either parent files an objection, any court action will remain in effect pending resolution of the objection.

N. Complaints about Unethical or Unprofessional Conduct by Parenting Coordinators. Complaints about alleged unethical or unprofessional conduct by the parenting coordinator should be submitted to the parenting coordinator's applicable licensing or regulatory board. If the parenting coordinator is not subject to a licensing or regulatory board, the complaint should be brought to the court's attention.

APPENDIX A

O. 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.

P. Applicability. No court is required to employ or use parenting coordinators; but in the event the court appoints a parenting coordinator, these rules apply.

Effective date. ~~This~~ The rule as it exists on January 1, 2016, applies to any appointment or reappointment of a parenting coordinator that occurs on or after ~~the effective date~~ January 1, 2016. All parenting coordinator appointments made prior to January 1, 2016, continue to be governed by the prior version of Rule 74 for the 2016 amendment remaining term of the rule that appointment.

APPENDIX B

(Clean Version)

A. Purpose of Parenting Coordination. Parenting coordination is a child-focused alternative dispute resolution process. The overall objective of parenting coordination is to assist parents with implementation, compliance, and timely conflict resolution regarding their parenting plan and legal decision-making orders so as to protect and sustain safe, healthy, and meaningful parent-child relationships.

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The stipulation must state:

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2. the manner in which the parenting coordinator's fees will be allocated between the parents;
3. the method by which the parenting coordinator will be selected or the name of the agreed-upon parenting coordinator;
4. the parents agree to the release of documents the parenting coordinator deems necessary to the performance of the parenting coordinator's services;

APPENDIX B

5. the term of the appointment; and
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Nothing in this rule is intended to prevent parents from requesting, or a court from appointing, parenting coordination assistance through the court's conciliation court services, if available. Parents obtaining parenting coordinator services through the court's conciliation court services must agree to subdivisions 4-6 above.

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APPENDIX B

4. a person who is licensed to practice independently by the Arizona Board of Behavioral Health Examiners;
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APPENDIX B

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APPENDIX B

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APPENDIX B

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 - d. interviewing and requesting documentation from anyone who has relevant information necessary to resolve a matter currently before the parenting coordinator; and

APPENDIX B

- e. recommending that the court order the parents or child 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.
2. A parenting coordinator must attempt in a timely manner to facilitate agreement on disputed issues between the parents. If the parents are unable to reach agreement, the parenting coordinator will timely decide any disputed issues within the scope of the parenting coordinator's authority.
3. A parenting coordinator cannot make a decision that will:
 - a. affect child support, spousal maintenance, or the allocation of property or debt;
 - b. change legal decision-making authority; or
 - c. substantially change parenting time.

I. Emergency Authority and Procedure.

If, based upon the parenting coordinator's personal observation, the parenting coordinator determines that a parent's functioning is impaired and the parent is incapable of fulfilling either the court-ordered legal decision-making or parenting functions, or the parent's conduct will expose the child to an imminent risk of irreparable harm, a parenting coordinator is authorized to file a motion for temporary orders without notice pursuant to Rule 48. The court must accept the

APPENDIX B

motion for filing even though a petition to modify under Rule 91 has not been filed.

J. Report. The parenting coordinator's decision on an issue must be written in a form substantially similar to the Parenting Coordinator's Report in Rule 97 of these rules. The parenting coordinator must:

1. mail or transmit the report to the assigned judge—but not the clerk of the court—not later than five business days after receipt of all information necessary to make a decision; and
2. mail or transmit a copy of the report to each parent or counsel on the same day it is mailed or transmitted to the court.

K. Court Action. The court, upon receipt of the parenting coordinator's report, must file the report. If the report contains confidential or private information, it must be filed in a manner that prevents the public from accessing the report, pursuant to Rule 13(D) of these rules.

Once the report has been filed, the court can do any of the following:

1. adopt the decision as an order of the court;
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APPENDIX B

The court may use the Order Regarding Parenting Coordinator's Report in Rule 97 of these rules for purposes of this paragraph.

L. Objection. Provided that the parenting coordinator acted within the scope of authority pursuant to this rule and the appointment order, the parenting coordinator's decision is binding. If a parent believes that the parenting coordinator's decision exceeds the scope of the parenting coordinator's authority, the parent may object to the parenting coordinator's decision by filing a pleading with the court entitled Objection. The objection must be filed within 20 days after the date of the filing of the parenting coordinator's report. The objection must explain in detail the reasons why the parent believes the parenting coordinator exceeded the scope of authority and whether a hearing is requested on the parent's objection.

M. Action on Parent's Objection. If either parent files an objection, any court action will remain in effect pending resolution of the objection.

N. Complaints about Unethical or Unprofessional Conduct by Parenting Coordinators. Complaints about alleged unethical or unprofessional conduct by the parenting coordinator should be submitted to the parenting coordinator's applicable licensing or regulatory board. If the parenting coordinator is not subject to a licensing or regulatory board, the complaint should be brought to the court's attention.

APPENDIX B

O. 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.

P. Applicability. No court is required to employ or use parenting coordinators; but in the event the court appoints a parenting coordinator, these rules apply.

Effective date. The rule as it exists on January 1, 2016, applies to any appointment or reappointment of a parenting coordinator that occurs on or after January 1, 2016. All parenting coordinator appointments made prior to January 1, 2016, continue to be governed by the prior version of Rule 74 for the remaining term of that appointment.

APPENDIX C

(Relevant Portions of Second Round Comments Received by June 13, 2015 and Committee Responses/Actions)

| Paragraph | Relevant Portion | Committee Response/Action |
|--|---|---|
| A. Purpose of Parenting Coordination | <p>The section impact fully lacks acknowledgement that parents have specific rights to make decisions for their children as affirmed in such cases as <i>Pierce v. Society of Sisters</i>, 268 U.S. 510 (1925).</p> | <p>ARFLP Rule 74 addresses the use of a parenting coordinator as well as the parenting coordinator's role, responsibility, authority. Identifying parental rights are outside the scope of this rule.</p> <p>The committee voted unanimously to retain the language of paragraph A as submitted in the Amended Petition.</p> |
| B. Appointment of Parenting Coordinator | <p>B.1. should read "that each parent understands how the parenting coordinator bills for services and the professional hourly rate and the clerical hourly rate that will be charged and that the parents can afford the parenting coordinator's services and if insurance will be used to cover costs;"</p> | <p>The committee voted unanimously to add ", including the parenting coordinator's hourly rate" to the language of paragraph B.1.</p> <p>The reference to "insurance" in this comment, and others below, is related to renaming "parenting coordinators" as "family counselors" for the purpose of using insurance to cover the fees. Parenting coordinators do not conduct "counseling" so the name change would be a misnomer and could lead to insurance companies misunderstanding the services being provided.</p> |
| | <p>B.3. should read "the method by which the parenting coordinator will be selected and whether cost will be used as a factor or the name of the agreed-upon parenting coordinator and whether insurance will be used to cover costs;"</p> | <p>The committee voted unanimously to retain the language of paragraph B.3. as submitted in the Amended Petition.</p> <p>The reference to "insurance" in this comment, and others below, is related to renaming "parenting coordinators" as "family counselors" for the purpose of using insurance to cover the fees. Parenting coordinators do not conduct</p> |

APPENDIX C

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| | | <p>"counseling" so the name change would be a misnomer and could lead to insurance companies misunderstanding the services being provided.</p> |
| | <p>B.4. should read "that the parents agree to the release of documents the parenting coordinator deems necessary to the performance of the parenting coordinator's services to aid in the specific conflict resolution brought before the parenting coordinator (the release agreement is not meant for 'fishing expeditions' to investigate general behavior(s) of either parent);"</p> | <p>The members agreed that adding the term "specific" and the parenthetical statement regarding fishing expeditions is unnecessary. Any investigation undertaken by the parenting coordinator must be within the scope and authority of appointment and limited to the issue for which assistance was sought.</p> <p>The committee voted unanimously to retain the language of paragraph B.4. as submitted in the Amended Petition.</p> |
| | <p>B.6. should read "that the parents agree to be bound by decisions made by the parenting coordinator that fall within the scope of the parenting coordinator's authority and relate to ONLY issues submitted to the parenting coordinator for decision; and "</p> | <p>Members agreed that the addition of "only" would be redundant.</p> <p>The committee voted unanimously to retain the language of paragraph B.6. as submitted in the Amended Petition.</p> |
| | <p>New B.7. should read "7. that parents acknowledge parenting coordination can be provided through the court's conciliation services."</p> | <p>Adding this new paragraph would require all locations of the Superior Court to provide parenting coordinator services through conciliation court services. Not all Superior Court locations offer conciliation court services, and not all</p> |

APPENDIX C

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| | | <p>locations that do offer conciliation court services provide parenting coordinator services.</p> <p>The concept of this new paragraph is captured in the last unnumbered paragraph of B as follows:</p> <p>“Nothing in this rule is intended to prevent parents from requesting, or a court from appointing, parenting coordination assistance through the court’s conciliation court services, if available. Parents obtaining parenting coordinator services through the court’s conciliation court services must agree to subdivisions 4 - 6 above.”</p> |
| | <p>I urge the Supreme Court to reject section B and allow the trial court to appoint a PC over the objection of one or both the parents, upon making a finding that the parents have an ongoing conflictual parenting relationship, which had or has the potential to adversely affect the child and therefore, is in the child’s best interest. Additionally, the court must be required to review current financial information of the parents to determine the ability of one or both of the parents to pay for the services of the PC and to initially allocate the payment of PC services based on the financial situation of the parents.</p> | <p>As was noted in the comment from Judges Peter B. Swann and Sally Duncan and William G. Klain, a judge should decide who decides, not make the decision.</p> <p>The parenting coordinator process works best with buy-in from both sides. If an ongoing conflictual parental relationship that has or has the potential to adversely affect a child exists, and the parents cannot agree to the appointment of a parenting coordinator, sole legal decision-making may be in the best interest of the child.</p> <p>The committee voted unanimously to retain the concept of appointment by stipulation only.</p> |

APPENDIX C

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| | <p>I urge the Supreme Court to reject the portion of Section B that requires the parents to be bound by the decision of the PC. The right to due process (including the review of a “judicial- like” decision) is the foundation of our system of justice. Without this right of review, I suggest that a PC should conduct proceedings “on the record.”</p> | <p>The committee recognized that if the parties stipulate to be bound by the parenting coordinator’s decision due process is not violated by holding the parties to that stipulation and limiting judicial review to circumstances where the parenting coordinator’s decision exceeded the parenting coordinator’s scope and authority. The committee analogized this stipulation to a plea agreement scenario where a defendant agrees, or in essence, stipulates to waive certain constitutional rights.</p> <p>Each parent retains the ability to object to a parenting coordinator's decision if the decision exceeds the parenting coordinator's scope and authority or if the parenting coordinator addresses issues that were not identified by the parents. Recording parenting coordinator proceedings could increase the cost of the service. Members expressed concern that a child could be harmed by being exposed to the recording at a later date.</p> <p>The vote by the committee to add a specific provision regarding the right to review or record the proceedings unanimously failed.</p> |
| | <p>I recommend that the court reject paragraph 3 in its entirety, and amend the rule to state, “Appointment of a parenting coordinator is appropriate</p> | <p>This comment is quoted from <i>Swann, et al.</i> The committee agrees that the appointment of a parenting coordinator should be by parental stipulation only. For courts that offer parenting</p> |

APPENDIX C

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| <p>only when the parents agree to the appointment or when the services of the parenting coordinator can be provided by the court with no more than <i>de minimis</i> cost to the parents. This agreement of the parents should not be construed to affect in any way the rights of the parents to due process or appeal.”</p> | <p>coordination through an existing conciliation court services, the '<i>de minimis</i> cost' is addressed. That said, this committee cannot require a court to 1) establish a conciliation court and 2) provide parenting coordination services, if those services do not already exist.</p> |
| <p>The primary role that the family counselor, FC, should have is the trained and therapeutic de-escalation of conflict in a number of ways that are an integral part of any social worker / psychotherapist tool kit. In instances where the parents cannot agree, the family counselor is empowered to make decisions that have a clear positive, therapeutic option. Where the FC cannot see a clear logical benefit for one party or the other he/she shall flip a coin or have a parent flip a coin and have the other parent call it. If the calling parent calls it correctly, that parent's choice is implemented. Otherwise the other parent's choice will prevail.”</p> | <p>If the skills of a family counselor are needed to de-escalate parental conflict, there are other options available to parents.</p> <p>Some parents may benefit more from the skills of an attorney who offers parenting coordinator services. This change would unreasonably limit the parents' options.</p> <p>Like statutes, the rules of court are not intended to micromanage a process. Directing a parenting coordinator to flip a coin for decisions where both parents have a valid and reasonable basis for the position each parent is taking, while fair, is micromanaging and not beneficial to the child or the parents.</p> <p>Amendments based upon this comment would be outside the scope of the committee's charge.</p> |

APPENDIX C

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| | <p>The following language should therefore be appended, “Those parents unable to make joint decisions should be reminded that joint legal-decision-making may be in jeopardy, or the court may need to modify a parenting plan to conform to the best interests of a child. This will be included in the form letter provided to both parents. All attorneys of the parents have a duty to provide this information to their clients.”</p> | <p>The committee unanimously voted to table this discussion until its review of the Order of Appointment and Form 11, Parent Information Regarding the Use of Parenting Coordinators.</p> |
| | <p>The Committee should add to the mandatory elements a statement of the hourly rate of the proposed Parenting Coordinator.</p> | <p>The committee voted unanimously to add ", including the parenting coordinator's hourly rate" to the language of paragraph B.1.</p> |
| | <p>The issue I have with the changes to the PC Rule is that it makes PC's into arbitrators, with no judicial oversight on their orders. The Court should continue to allow hearing and judicial oversight of all PC rulings and amend the rule accordingly.</p> | <p>Court oversight continues through the report, court action and objection processes of paragraphs J, K and L.</p> |
| <p>C. Selection of a Parenting Coordinator</p> | <p>No comments.</p> | |
| <p>D. Persons Who May Serve as</p> | <p>Remove "an attorney who is licensed to practice law in Arizona;"</p> | <p>The ability to mediate and arbitrate are not skills solely inherent in family therapy or child</p> |

APPENDIX C

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| Parenting Coordinators | <p>Attorneys should be removed from the list of person who may serve. Attorneys are not trained in family therapy or child psychology. A family counselor with training in that field has a tool kit for helping families in a constructive way that no attorney can bring to the families aid.</p> | <p>psychology. Some parents may benefit more from an attorney parenting coordinator than others. It depends upon the parents.</p> <p>Asking the parents to identify the parenting coordinator, or a short list of parenting coordinators, they wish to use in the stipulation ameliorates the issue of perceived conflict, bias or impropriety.</p> |
| | <p>"a person with education, experience, and expertise who is deemed qualified by the court's presiding judge or designee" should be removed and replaced with "a person agreed upon by the parties as a third party decider of issues that cannot be agreed upon by the parties."</p> | <p>Outside of the parenting coordinator process, the parents have always had, and will continue to have, the ability to consult with an agreed upon third party. This person can be identified while they are preparing the parenting plan or outside the court process at the time an issue arises.</p> <p>The committee voted unanimously to retain the language of paragraph D as submitted in the Amended Petition.</p> |
| | <p>It should be included in Rule 74 that no retired judicial officer (Judge, Commissioner) shall be allowed to be a family court special master, or more specifically a parenting coordinator. This is definitely a conflict, bias, and impropriety.</p> | |
| E. Term of Service | | |
| 1. Initial Term | <p>Remove "unless each parent and the parenting coordinator agree to a longer term"</p> | <p>When the Superior Court in Pima County, through the Conciliation Court, started its parenting coordinator program, it set the initial</p> |

APPENDIX C

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| | | <p>I suggest that the rule be amended to read that the initial term be no longer that “two years.”</p> | <p>term at two years. Through experience the court has learned that most parents can resolve their issues in one year. One year is now the presumptive term.</p> <p>Because parents have the ability to agree to a longer term, and to reappoint the parenting coordinator, the committee voted unanimously to retain the language of E.1. as submitted in the Amended Petition.</p> |
| | <p>2. Reappointment</p> | <p>Add "(w/ written signatures) between "in writing or orally" and "on the record in open court."</p> | <p>"In writing" assumes the parents would have signed the agreement. On the record in open court has the effect of a signature.</p> |
| | | <p>The PC should be allowed to request reappointment unless both parents object to the PC's reappointment. Before applying for reappointment, the PC must be required to meet with the parents regarding the reappointment. The request for reappointment must be copied to the parents and note if either parent objects. A parent who objects to reappointment should have 10 days to file an objection to the reappointment after the PC has applied for reappointment. Most times the parents do not calendar the end of the appointment. Therefore,</p> | <p>The committee voted unanimously to table this discussion until its review of the Order of Appointment. The consensus was that a parenting coordinator should not apply to the court for reappointment, but that the responsibility for requesting the parenting coordinator's reappointment lies with the parents. The members agreed that the parenting coordinator could send a 30-day notice of term expiration to the parents and the court. The best placement for this information was deemed to be the Order of Appointment.</p> |

APPENDIX C

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| | | they are not aware that the PC's appointment has terminated until they bring a matter to the PC for decision. Often, there is insufficient time to get a reappointment to timely address a time emergent matter. | |
| | 3. Replacement of the Parenting Coordinator | No comments. | |
| | 4. Resignation | No comments. | |
| | 5. Discharge | Add "; a formal complaint submitted to the Parenting Coordinator's applicable licensing or regulatory board by either parent does constitute good cause." | Members expressed concern that an unsubstantiated complaint could nullify the stipulation, leading to possible abuse of the complaint process. The committee took no action on this comment. |
| | | Change "if only one parent wishes to discharge the parenting coordinator, that parent must file a motion with the court." to "If just one parent wishes to discharge the parenting coordinator, that parent must file a motion with the court that establishes good cause for the discharge. The court will grant an expedited hearing for said purpose. " | This comment says the same thing as E.5. but in a different way and mandates an expedited hearing. The discharge of a parenting coordinator does not warrant an expedited hearing. The committee took no action on this comment. |

APPENDIX C

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| | <p>Delete "Mere disagreement with one or more of the parenting coordinator's decisions will not constitute good cause for discharging the parenting coordinator."</p> | <p>The committee voted to amend paragraph E.5. as follows: "Disagreeing with one or more of the parenting coordinator's decisions does not constitute good cause for discharging the parenting coordinator."</p> |
| | <p>The Committee should add additional protections such as allowing either party to end the appointment of the PC at any time prior to the 4th in-person meeting (or the 61st day after the first issue discussion for PCs who do not meet in person). This should be an absolute right similar to noticing a judge.</p> | <p>The parents can agree to a replacement of the parenting coordinator at any time during the term. This language would limit the parents' ability to do so.</p> <p>The committee took no action on this comment.</p> |
| | <p>Committee designate that either party may end the term of the PC if the PC alters their hourly rate unless both parties stipulate in writing.</p> | <p>The committee voted unanimously to amend paragraph F.1. by adding "A parenting coordinator cannot increase the parenting coordinator's hourly rate during a term of appointment." Members indicated that if a rate change was needed, it should occur before reappointment and be included in the stipulation for reappointment.</p> |
| F. Fees | <p>4. Require a minimum 30% cost share.</p> | <p>The committee took no action on this comment.</p> |
| 1. Disclosure of Fees | <p>Should read "Disclosure of Fees. The parenting coordinator must fully disclose all fees and charges to each parent before the stipulation</p> | <p>Because the parents should be conducting research about any parenting coordinator they are selecting or adding to their short list, this and other</p> |

APPENDIX C

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| | <p>agreement is ordered and services requiring payment can begin. The hourly fees and charges must be known to the parties prior to the stipulation agreement being ordered by the court."</p> | <p>information should be known well in advance of preparing the stipulation.</p> |
| | <p>The Committee should change this subsection to state that the judicial officer is not allowed to accept a stipulation for appointment as a PC unless the PC's fees have been fully disclosed in writing and the parties explicitly agree. Further, the subsection should explicitly prohibit the PC from raising fees to the parties during the duration of the appointment unless both parties agree to an amended stipulation.</p> | <p>Because the parents should be conducting research about any parenting coordinator they are selecting or adding to their short list, this and other information should be known well in advance of preparing the stipulation.</p> <p>The committee voted unanimously to amend paragraph F.1. by adding "A parenting coordinator cannot increase the parenting coordinator's hourly rate during a term of appointment." Members indicated that if a rate change was needed, it should occur before reappointment and be included in the stipulation for reappointment.</p> |
| 2. Adjustment to Allocation of Fees by Parents | No comments. | |
| 3. Sanctions and Reallocations of Fees | <p>Add "A hearing must be set to determine if the parties agree to the new allocation of fees moving forward" as the last sentence.</p> | <p>The committee amended paragraph F.3. to include "The court must hold a hearing before reallocating fees."</p> <p>The committee's intent with this paragraph was not to change the allocation going forward, but to</p> |

APPENDIX C

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| | | change the allocation of the fees charged for service already provided. |
| | Specifically I recommend that language be added to this subsection by which a party may request in writing to the PC reallocation of fees and their reasoning for the reallocation. The rule should then require the PC to make a report to the Court agreeing or opposing the request and the PCs reasoning and evidence for their stated position. | The committee voted unanimously to amend paragraph F.3. to allow a parent or parenting coordinator to recommend to the court, as a sanction, an adjustment to the allocation of the parenting coordinator's fees. |
| G. Confidentiality | Remove "The parenting coordinator can meet with counsel separately to obtain information relevant to the issue before the parenting coordinator." and Add "No Ex-Parte communications is allowed between the Parenting Coordinator and either Parties' attorney." | The committee voted unanimously to retain the language of paragraph G as submitted in the Amended Petition. |
| H. Scope of Appointment and Authority | H.1.a. - Remove "helping the parents identify disputed issues," | The committee voted unanimously to amend H.1.a. removing "helping the parents identify" and replacing it with "helping the parents to address ..." |
| | H.1.d. should read "interviewing and requesting documentation from anyone who has relevant information necessary to resolve the SPECIFIC | Adding the term "specific" is redundant. The committee voted unanimously to retain the language of paragraph H.1.d. as submitted in the Amended Petition. |

APPENDIX C

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| <p>matter currently before the parenting coordinator; and"</p> | |
| <p>H.1.e. remove entirely.</p> | <p>The committee voted unanimously to retain the language of paragraph H.1.e. as submitted in the Amended Petition.</p> |
| <p>Add new H.4. "All conferences shall be recorded. All interactions with children shall be videotaped. Said recording copies shall be shared with each parent at the end of sessions. Failure to do so shall result in a fine of \$2,000, half payable to the court, the other half divided equally between the parents per occurrence."</p> | <p>The committee's vote to add the suggested new paragraph H.4. failed unanimously. Members expressed concerns about requiring that all parenting coordinator sessions be recorded. Foremost in their minds was the possibility of the recording be used to harm the child.</p> |
| <p>Section H (2): The following language should be deleted: "If the parents are unable to reach agreement, the parenting coordinator will decide any disputed issues within the scope of the parenting coordinator's authority in a timely manner". This language improperly removes from both parents their affirmative right to make decisions for their children. Involvement of a PC does not and cannot revoke such a right and confer it to a PC. Explicitly enumerate in the Rule</p> | <p>The committee's vote to amend H.2. as suggested failed unanimously.</p> |

APPENDIX C

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| | <p>that any party or participant in the PC process has the explicit and irrevocable right to record any session, proceeding, or other contact.</p> | |
| <p>I. Emergency Authority and Procedure</p> | <p>I object to the PC having emergency authority to make an emergency change legal decision-making or parenting time orders. Rule 47 and 48 provides a procedure for a parent to seek emergency court orders, even without notice. The PC should have the authority to recommend to the Court a change in legal decision making or parenting time, but not to make the decision. In some cases that decision would be irreversible. For example, one parent is Christian Scientist and one is not. The non-Christian Scientist wants a medical procedure which is time urgent and the other objects. If the PC decides that the non-Christian Scientist parent makes the decision, there is no recourse from the court for the other parent. This is putting the PC in the ultimate “super parent” role, which should not be sanctioned.</p> | <p>Paragraph I has been completely rewritten to provide an option other than giving the parenting coordinator the authority to make a temporary emergency change to legal decision-making or parenting time. If this paragraph is adopted by the court, the parenting coordinator, in an emergency situation, will be authorized to file a motion for temporary orders without notice as permitted in Rule 48. The court must accept the motion for filing. A parent must subsequently file the underlying petition to modify.</p> |

APPENDIX C

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| | <p>This section should be removed in its entirety. A provider already has multiple means to invoke authorities if an immediate danger is perceived, including police and DCS. Since an attorney can be a PC, such a PC would have no additional basis than a reasonable person for ripping children from a parent's home. Even with a mental health professional as a PC, the contact they have with family is so limited that giving them such sweeping authority to disrupt a family by immediate removal of a child is completely unreasonable. The existing pathways of reports to police and/or DCS are sufficient and far more properly supervised.</p> | |
| <p>J. Report</p> | <p>Add New J.3. "Any decision or communication by the FC to the court must be filed by the court. If the contents are of such nature that public revelation will be harmful, the filing can be sealed. "</p> | <p>"Sealing" means that even the judge on the case cannot access the document. Marking a document as "Confidential" allows the court, parents and counsel, if represented, access to the document while prohibiting access by the public. The requirement for the court to file the report is contained within paragraph K.</p> |
| | <p>The Court should require that a provider keep a record of each issue, with information on: • Which party</p> | <p>The members expressed that parenting coordinator process abuses should be reduced due to the parents entering into the process by</p> |

APPENDIX C

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| | <p>raised the issue, • When discussions were held with the duration and venue• Whether the issue was decided in favor of the party who raised the issue. These elements are normally recorded by providers, whether attorneys or behavioral health providers, so such a requirement should not be an additional burden. Parties should have a right to receive a copy upon request such that a summary record of the use of the PC's services by a party is readily available to demonstrate whether the parties are acting in good faith and whether the PC is properly screening requests rather than just making money by encouraging use of his/her services.</p> | <p>stipulation. The committee voted unanimously to retain the language submitted in the Amended Petition.</p> |
| <p>K. Court Action</p> | <p>The following should be added to the first paragraph. No <i>sua ponte</i> appointments of family counselors by the court are permitted.</p> | <p>Because the committee has determined that parenting coordinators will be appointed only upon stipulation of both parents, this statement is unnecessary.</p> |
| <p>L. Objection</p> | <p>The statute of limitations should be removed. There should be no statute of limitations arbitrarily applied to a family counselor (PC) who exceeds his/her authority. Certainly ten business days appears to</p> | <p>The members agreed that 10 business days may be an insufficient amount of time for a parent to file an objection. The committee voted unanimously to amend "10 business days" to "20 days," implying calendar days.</p> |

APPENDIX C

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| | <p>make it virtually impossible for Pro Per litigants to file an objection, especially given that mail time is involved, and in addition, mail may not be read immediately or a person may be on assignment for work or on vacation, etc. This could be seen as actively denying the right to appeal or making an appeal substantially more difficult as it would now add consideration of the viability of the Rule 74 constraints on access to the court.</p> | |
| | <p>This section in effect removes the right to judicial oversight present in the current Rule. As pointed out in other comments, removing such universal oversight by the judicial officer is an unconstitutional infringement of the parties' rights and also illegally vests in the PC judicial powers that the Court cannot delegate. The current right to object should be preserved in its entirety.</p> | <p>As was noted in the comment from Judges Peter B. Swann and Sally Duncan and William G. Klain, a judge should decide who decides, not make the decision.</p> <p>The parenting coordinator process works best with buy-in from both sides. If an ongoing conflictual parental relationship that has or has the potential to adversely affect a child exists, and the parents cannot agree to the appointment of a parenting coordinator, sole legal decision-making may be in the best interest of the child.</p> <p>The committee voted unanimously to retain the concept of appointment by stipulation only.</p> |
| <p>M. Action on Parent's Objection</p> | <p>Any action by the court on a parenting coordinator's report that</p> | <p>In the amended rule, parenting coordinators will not have the authority to make</p> |

APPENDIX C

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| | <p>substantially impacts existing court orders, or denies a request for a substantial change in existing court orders, should trigger a mandatory hearing upon request by either party. Also add, “A mandatory expedited hearing will be triggered at the request of either party when malfeasance has been claimed on the part of the FC.”</p> | <p>recommendations that would substantially change existing legal decision-making or parenting time orders. Therefore, there is no need for the triggering of a mandatory expedited hearing.</p> |
| <p>N. Complaints about Unethical or Unprofessional Conduct by Parenting Coordinators</p> | <p>No Comments.</p> | |
| <p>O. Immunity</p> | <p>Parenting Coordinators should not have immunity.</p> <p>The court should be able to hear a complaint about a PC's conduct - I am for 'quasi-immunity' for the PC position.</p> <p>Replace entire paragraph with “The family counselor has civil immunity only as it relates to the duties consistent with the appointment order. There is no immunity as it relates to violations of criminal or</p> | <p>The committee believed that existing law, rather than the committee or Rule 74, should dictate what immunity, if any, the parenting coordinator has. Thus, the committee voted unanimously to retain the language as submitted in the Amended Petition.</p> <p>The committee voted unanimously to retain the language as submitted in the Amended Petition.</p> |

APPENDIX C

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| | <p>ethics violations. The court will report any possible violations of law or ethics by the family counselor as required by 17A A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct, Rule 2.15 including Comments 1 and 2. The Court will make it clear to the entity governing the family counselor that it expects a thorough investigation regardless of the relationship with the court or the family counselor. Criminal violations shall be reported to the county attorney or appropriate authority governing prosecution of criminal matters with clear instructions to not consider the judicial relationship in their response to the matter.”</p> | |
| | <p>As previously stated by others in comments, clarity should be given to the fact that the immunity conferred is civil immunity and that criminal immunity is not implied.</p> | |
| <p>P. Applicability</p> | <p>No Comments.</p> | |
| <p>Effective Date</p> | <p>Add "Current Parenting Coordinator orders prior to 2016 can be updated to this rule if one party</p> | <p>To allow the effect of this rule amendment to be retroactive would cause extreme confusion and abruptly end service for parents who want and</p> |

APPENDIX C

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| | <p>motions for the new rules to apply to their case."</p> | <p>need the service and who may be in the middle of resolving an issue.</p> |
| | <p>Replace with "Effective date. This rule applies to any appointment or reappointment of a parenting coordinator that occurs on or after the effective date which should be as early as possible given the damage being done to children and families, the due process issues of current practice, current lack of oversight, appeals issues, and behavioral concerns by current practice."</p> | <p>Reappointment of a parenting coordinator at the end of the current term of appointment was envisioned to fall within the updated rule.</p> |
| | <p>Providing anything other than immediate right to end an existing PC appointment upon adoption of this Rule creates an unequal, two-tiered system for those already having a PC. The proposed Rule should specifically add the right to end upon motion any existing PC appointment under the previous Rule, allowing the parties to move forward with consideration of appointment of a PC under the proposed Rule when adopted.</p> | <p>The committee voted unanimously to retain the language regarding the effective date as it was submitted in the Amended Petition.</p> |
| | <p>I disagree with any delayed start date to the new Rule. In fact, it should be placed in effect immediately when</p> | |

APPENDIX C

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| | <p>approved, in September of 2015. Additionally, it should not allow the continued appointment after the rule is in effect. This would create confusion for the courts and litigants to have some on a different and unequal playing field.</p> | |
| | <p>Amend as follows: Effective date. This rule applies to any appointment or reappointment of a parenting coordinator that occurs on or after the effective date of the 2016 amendment of the rule. ALL PARENTING COORDINATION APPOINTMENTS MADE PRIOR TO JANUARY 1, 2016 CONTINUE TO BE GOVERNED BY THE PRIOR VERSION OF RULE 74 FOR THE REMAINING TERM OF THAT APPOINTMENT.</p> | |
| <p>Overall</p> | <p>Reiterated PC complaints from an online source</p> | <p>Suggested improvement could not be identified.</p> |
| | <p>Notice of Claim of Unconstitutionality of all existing and proposed versions of ARFLP Rule 74 per A.R.S. 12-1841 to be processed via Appellate Action CV 15-0319.</p> | <p>No relevant content.</p> |

APPENDIX C

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| <p>Parenting coordinators are failing to do the very thing they were appointed by the court to do.</p> | <p>Suggested improvement could not be identified.</p> |
| <p>The problem is not with the rule but with the manner in which some judges on the Maricopa County Family bench have executed the rule.</p> | <p>Suggested improvement could not be identified.</p> |
| <p>The term Parenting Coordinator should be abolished and replaced with Family Counselor for insurance purposes.</p> | <p>Not within the scope of the Committee's charge.</p> |
| <p>Require that the Court maintain accurate, easily available records for each PC of complaints and actual disciplinary actions. Create and maintain a public system of reviews of PCs.</p> | <p>This comment suggests an administrative action that is not appropriate content in rules of court.</p> |
| <p>Request for the court to replace Judge Barton with Judge Swann.</p> | <p>Not within the scope of the Committee's charge.</p> |