

**Q&A with [Kaine Fisher](#), Director of Rose Law Group [Family Law Department](#)**

**“My divorce was finalized almost 5 years ago but since then I’ve continued to have disagreements with my ex-spouse about issues pertaining to our children. We can’t seem to handle these issues on our own and stay out of court. Our Judge is getting frustrated and told us he doesn’t want to see us in court again. Do I have any other options?”**



For most parents, it is reassuring to know that the issues of legal decision-making and parenting time are always modifiable if a substantial and continuing change of circumstances can be established. To some, however, this could mean endless years of litigation fighting over everything from where a child will go to high school to whether a child can get a tattoo or piercing.

You can tell almost from the moment the Judge takes the bench that he is flat-out sick and tired of seeing a particular pair of litigants fighting over their children. Frankly, some parents just can’t seem to move past their own differences for the sake of the children. Other parents just have such different parenting styles that coming to a consensus is out of the question. With the serious risk of being slapped with attorney’s fees, or worse yet, damaging their children beyond repair, some parents ultimately make the wise choice to find an alternative to solving their problems. One option I find to be extremely effective is the Parenting Coordination process. I will answer some common questions asked by parents who are considering whether to engage in this process.

**Who can be a Parenting Coordinator?**

Well, a Parenting Coordinator (more affectionately known as a “PC”) can be an attorney, psychiatrist, psychologist, social worker, counselor, therapist or any other certified professional with the requisite education, experience and expertise related to family law issues. As you can see, PCs can have a variety of backgrounds, training, experiences and styles. You will want to keep this in mind, and do some homework, before proposing or agreeing on a particular PC. Each case is different; you will want to make sure your PC is equipped to competently understand and evaluate the issues that might exist in your particular situation.

**How is a Parenting Coordinator chosen?**

The appointment of a PC is governed by Rule 74 of the *Arizona Rules of Family Law Procedure*. You and the other parent can agree on a PC or your Judge can choose one for you. A Judge may not always have a firm grasp of your particular family’s dynamics so I always recommend to my clients to play an active part in the selection process. The PC’s appointment term is set by the Court (usually a year) and it is possible to change or remove a PC if there is a good reason.

**When is the appointment of a Parenting Coordinator appropriate?**

Typically, a PC is appointed *after* legal decision-making and parenting time orders have already been established by Court order. Generally, a PC is useful in helping litigants deal with any issue involving the best interest of their children; however, PCs can be most effective in situations involving persistent conflict, a history of substance abuse or family violence, mental health issues or children with special needs. As opposed to a Judge who has to deal with the formalities of a courtroom, potential evidentiary restrictions and limitations on time, a PC, on the other hand, can roll up their sleeves and really get to know the parties, investigate the issues fully and therefore truly get to the bottom of their issues. The PC process is undeniably much quicker and less confrontational than traditional, formal litigation. The fact that a PC can address and resolve issues more expeditiously than a Judge is attractive to most parents in light of the often time-sensitive nature of parenting-related issues. There is little to no attorney involvement in the PC process so you can imagine how this simplifies and streamlines the process.

**How does the process work after my Parenting Coordinator is appointed?**

Based on my experience, each PC operates a little differently. However, the process usually starts with a parent reaching out to the PC about an issue they are having with the other parent. A meeting is then promptly scheduled if the issue can’t be resolved by more informal methods. The beautiful thing about the PC process is that there are 2 components – a settlement component and an information gathering component. Most PCs will first work diligently to get the parties to come to an amicable resolution of their dispute. If an agreement can be reached, it is condensed to writing, signed by both parties and then submitted to the Court for approval. In the event an agreement cannot be reached, the PC will issue a report to the Court which will include the parties’ respective positions, the PC’s assessments, and then most importantly, recommendations about what the Court should order to resolve the dispute or to otherwise protect the children’s best interests. A party has 10 days to object to the recommendations. Once the report is submitted to the Court, the Judge can approve the recommendations as an interim order of the Court, modify the recommendations and adopt the modified recommendations as interim orders of the Court, reject the recommendations, or set the matter for a hearing. The PC, under emergent circumstances, may even have the power to make a binding, temporary decision.

**What is the scope of the Parenting Coordinator’s involvement? In other words, what can a PC do and not do?**

A PC has broad authority to handle many types of decision-making and parenting time disputes. For example, a PC can assist with the

implementation of Court orders, make recommendations to the Court regarding implementation, clarification, modification or enforcement of temporary or even permanent Court orders and make recommendations regarding day-to-day issues. This would include things such as the choice of a child's school, course of medical treatment, parenting time exchanges, holiday parenting time, discipline and extra-curricular activities. That said, there are some limitations on what a PC can do and it is important for clients to understand what those limitations are before heading into the process. For instance, a PC generally cannot address a relocation issue, a change in legal decision-making (e.g. from joint to sole or vice-versa) or a substantial change to the regular access parenting time schedule (e.g. changing from one primary parent to the other). Unfortunately, for these issues, a litigant must still pursue the more traditional method of seeking Court intervention.

#### **Who pays for the Parenting Coordinator?**

It depends. As always, parties can agree to an allocation of the PC's fees or the Court can decide. I find that most often the parties are ordered to equally share in the cost; however, in the event of a significant financial disparity between the parties, it is not unheard of for the fees to be allocated in proportion to the parties' respective incomes or for one party to be held responsible for paying all of them. Either way, I always propose that the PC be given the authority to reallocate the responsibility of payment for a particular session if they feel a party has been unreasonable or has not engaged in the process in good faith.

The implementation of the PC process (although it has been around for years) is growing in popularity in the Family Court system – and for good reason. The PC process can be enormously rewarding for parents and it most certainly doesn't put as much of a dent in their purse or wallet – definitely something to consider before running off to the Court to file your next pleading.

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