

1 Rule 4-509. Court-appointed parent coordinator.

2 Intent

3 To establish the role, qualifications and procedures of the parent coordinator.

4 Applicability

5 This rule applies in any case in which a parent coordinator is ordered by the court.

6 Nothing in this rule limits, supersedes, or replaces court-ordered or mandatory
7 mediation.

8 Statement of the Rule

9 (1) Role of the parent coordinator.

10 (1)(A) Upon court order, a parent coordinator may be appointed to serve in child
11 custody and parent-time disputes. The parent coordinator's role is to consult with the
12 parties and make recommendations directly to the parents about how the children's
13 needs can best be served. The role of the parent coordinator is like that of the mediator
14 in that the parent coordinator seeks to elicit cooperation and agreement between the
15 parents. Using his or her expertise in child development, however, the parent
16 coordinator also, after hearing the parents' perceptions and thoughts, offers advice and
17 guidance with regard to specific decisions. With the help of the parent coordinator, the
18 parents then create, revise, or clarify their parenting plan, as defined in the Utah Code.

19 (1)(B) The function of the parent coordinator is to make suggestions to the parties
20 that are in the best interests of the children and are solutions and compromises that the
21 parents can accept and implement. The parent coordinator is expected to use his/her
22 insight, training, and therapeutic skill to diffuse conflict and stimulate appropriate
23 parental communication. The length and frequency of parent consultation sessions will
24 depend on the number of unresolved issues and both parents' desire for guidance. The
25 parents may use this service on an as-needed basis as problems arise, even after a
26 settlement has been reached.

27 (1)(C) The role of the parent coordinator is not primarily investigative, although the
28 parent coordinator may meet and/or interview the children briefly during the course of
29 the consultation process. Suggestions will not be binding upon the parties, and will not
30 be sent to the court or others unless both parents agree to their dissemination and sign
31 written releases to that effect. Involvement of a parent coordinator is best suited for

32 parties who can respectfully exchange ideas and who can benefit from independent
33 professional advice in areas where they disagree. If a viable parenting plan is
34 established through work with the parent coordinator, the parents may stipulate to a
35 custody and parent-time agreement, and thereby avoid active involvement of the court.

36 (2) Term and condition of consultation.

37 (2)(A) The order appointing the parent coordinator shall address:

38 (2)(A)(i) the minimum number of visits, not to be less than 4 hours of face to face
39 joint consultation, with the parent coordinator, unless the formal parenting plan is
40 finalized sooner;

41 (2)(A)(ii) responsibility for payment of the parent coordinator's fees; and

42 (2)(A)(iii) any limitations on the role of the parent coordinator.

43 (2)(B) Termination of the services shall not excuse either party's responsibility for
44 fees already incurred.

45 (3) Content of consultation. The parent coordinator may consult with the parties on a
46 wide variety of issues related to child custody/parent-time as well as other needs of the
47 children. The focus will be the developmental and other needs of the children. The goal
48 will be to preserve relationships and protect the children from the disruption and conflict
49 that can occur with divorce. Specific topics that may be covered include:

50 (3)(A) methods of communication between the parents;

51 (3)(B) responsibility of each parent regarding decision-making and delivery of care;

52 (3)(C) methods of resolving conflict or disagreement without child involvement;

53 (3)(D) ways in which the parents can support the child's relationship with the other
54 parent;

55 (3)(E) parental agreement and consistency regarding the parents' expectations of
56 the child and discipline techniques;

57 (3)(F) dates and times of pick-up and delivery;

58 (3)(G) parent-time during vacations and holidays;

59 (3)(H) method of pick-up and delivery;

60 (3)(I) transportation to and from each other's home;

61 (3)(J) selection of child care and baby-sitting;

62 (3)(K) adherence to special diet, clothing, bedtime, and recreational requirements;

63 (3)(L) child's participation in recreational and other activities with each parent;

64 (3)(M) notification of other parent when surrogate care is needed;

65 (3)(N) selection of surrogate care;

66 (3)(O) alterations in the parent time schedule;

67 (3)(P) participation of relatives and friends during parent-time;

68 (3)(Q) execution of daily routines;

69 (3)(R) adherence to conditions for parent-time (e.g., supervision by a third party,
70 drug monitoring, etc.);

71 (3)(S) school attendance;

72 (3)(T) selection of school;

73 (3)(U) access to information about the child (e.g., from school, physician);

74 (3)(V) step-parent issues;

75 (3)(W) administration of medication; and

76 (3)(X) any other issues as agreed upon by the parties.

77 (4) Qualifications. To be eligible to serve as a parent coordinator, the person must
78 have the following minimum qualifications:

79 (4)(A) Social workers who have completed graduate level coursework in child
80 development and hold the designation of Licensed Clinical Social Worker in this state.

81 (4)(B) Doctoral level psychologists who have completed graduate level coursework
82 in child development and are licensed as a psychologist in this state.

83 (4)(C) Physicians who have completed graduate level coursework in child
84 development, are board certified in psychiatry, and are licensed as a physician in this
85 state.

86 (4)(D) Marriage and family therapists who have completed graduate level
87 coursework in child development and hold the designation of Licensed Marriage and
88 Family Therapist in this state.

89 (4)(E) A court-appointed parent coordinator must have:

90 (4)(E)(i) at least 3 years of post-licensure clinical practice substantially focused on
91 child/marital/family therapy; and

92 (4)(E)(ii) a working familiarity with child custody/parent-time law and the ethical
93 issues involved in custody matters.

94 (4)(F) Beginning in 2012, a court-appointed parent coordinator must have at least 18
95 hours of continuing education during the previous 3 years and every 3 years thereafter.

96 Training should include the following topics:

97 (4)(F)(i) conflict resolution theory and techniques,

98 (4)(F)(ii) mediation;

99 (4)(F)(iii) child development and psychology,

100 (4)(F)(iv) adjustment to divorce;

101 (4)(F)(v) domestic relations law;

102 (4)(F)(vi) dynamics of domestic violence; and

103 (4)(F)(vii) associated safety and intervention considerations.

104 (4)(G) In areas of the state where there is a shortage of services, a professional who
105 meets the requirements outlined above in (4)(A) – (4)(D) may be appointed as a parent
106 coordinator in up to 10 cases before being required to meet the remaining qualifications.

107 (5) Impartiality.

108 (5)(A) A parent coordinator shall maintain impartiality in the process of parenting
109 coordination. Impartiality means freedom from favoritism or bias in word, action, or
110 appearance, and includes a commitment to assist all parties, as opposed to any one
111 individual.

112 (5)(B) A parent coordinator shall withdraw if the parent coordinator determines he or
113 she cannot act in an impartial or objective manner.

114 (5)(C) A parent coordinator shall neither give nor accept a gift, favor, loan or other
115 item of value from any party having an interest in the parenting coordination process.
116 During the parenting coordination process, a parent coordinator shall not solicit or
117 otherwise attempt to procure future professional services or positions from which the
118 parent coordinator may profit.

119 (5)(D) A parent coordinator shall not coerce or improperly influence any party to
120 make a decision.

121 (5)(E) A parent coordinator shall not intentionally or knowingly misrepresent or omit
122 any material fact, law or circumstance in the parenting coordination process.

123 (5)(F) A parent coordinator shall not accept any engagement, provide any service or
124 perform any act outside the role of parent coordinator that would compromise the parent
125 coordinator's integrity or impartiality in the parenting coordination process.

126 (6) Conflict of interest.

127 (6)(A) A parent coordinator shall not serve in a matter that presents a clear conflict of
128 interest.

129 (6)(B) A conflict of interest arises when any relationship between the parent
130 coordinator and the participants or the subject matter of the dispute compromises or
131 appears to compromise a parent coordinator's impartiality.

132 (6)(C) A parent coordinator shall disclose potential conflicts of interest to the parties
133 and counsel of record as soon as practical after a parent coordinator becomes aware of
134 the interest or relationship giving rise to the potential conflict.

135 (6)(D) After appropriate disclosures, the parent coordinator may serve with the
136 written agreement of all parties and, if court ordered, the approval of the court.
137 However, if a conflict of interest clearly impairs a parent coordinator's impartiality, the
138 parent coordinator shall withdraw regardless of the expressed agreement of the parties.

139 (6)(E) During the parenting coordination process, a parent coordinator shall not
140 create a conflict of interest by providing any services to interested parties that are not
141 directly related to the parenting coordination process.

142 (6)(F) A parent coordinator may make referrals to other professionals to work with
143 the family, but shall avoid actual or apparent conflicts of interest by referrals. No
144 commissions, rebates, or similar remuneration shall be given or received by a parent
145 coordinator for parenting coordination or other professional referrals.

146 (7) Dual roles.

147 (7)(A) A parent coordinator shall not serve in dual sequential roles.

148 (7)(B) A parent coordinator shall not serve in multiple roles in a case that creates a
149 professional conflict.

150 (7)(B)(i) A mediator or custody evaluator shall be cautious about becoming a parent
151 coordinator in the same case, even with the consent of the parties, because of the
152 differences in the role and potential impact of the role change.

153 (7)(B)(ii) A parent coordinator shall not become a custody evaluator either during or
154 after the term of a parent coordinator's involvement with the family.

155 (7)(B)(iii) A parent coordinator shall not be appointed after serving as a therapist or
156 consultant or serve in another mental health role to any family member.

157 (7)(B)(iv) A parent coordinator shall not become a therapist or consultant or serve in
158 any other mental health role to any family member, either during or after the term of the
159 parent coordinator's involvement.

160 (7)(C) In some contexts (rural communities) it may not be possible to avoid multiple
161 relationships between the parent coordinator and the family involved in parent
162 coordination, attorneys for the case or the judge involved in the proceedings. In these
163 cases the parent coordinator shall disclose to relevant parties any relationships that
164 might likely lead to impaired objectivity or decreased competence and effectiveness.
165 The parent coordinator shall inform relevant parties of the potential negative
166 consequences of such multiple relationships and seek to minimize these consequences
167 by either withdrawing or limiting the tasks they agree to undertake.

168 (8) Communications and confidentiality.

169 (8)(A) All suggestions made to the parties should occur in joint sessions.

170 (8)(B) Bearing in mind that the role of a parent coordinator is not primarily
171 investigative, the parent coordinator may, nevertheless, communicate with the guardian
172 ad litem attorney, if one is appointed, but shall only communicate with any third persons
173 (including teachers, physicians, clergy, therapists or other extended family members)
174 with the express written permission of both parties and only to the extent necessary to
175 obtain information that the parties agree can be most reliably obtained in that fashion.
176 The parent coordinator may meet and/or interview the children with the express written
177 permission of the parents or the guardian ad litem attorney (if appointed) as part of the
178 consultation process if the parent coordinator believes that such action will aid in issuing
179 appropriate suggestions.

180 (8)(C) Unless otherwise agreed by the parties, all oral or written communications
181 between the parent coordinator and the parties, other than a formal parenting plan and
182 the quarterly status report are deemed confidential and may not be released unless
183 agreed to by both parties.

184 (8)(D) Nothing in this rule excuses mandatory reporting requirements pursuant to
185 Utah law, federal law, and/or other professional reporting requirements.

186 (9) Agreements and enforcement.

187 (9)(A) Any formal parenting plan agreed to by the parties and drafted by the parent
188 coordinator shall be reduced to a written document and forwarded to the parties, their
189 attorneys, and the guardian ad litem attorney (if one is appointed).

190 (9)(B) Parent coordinators shall notify the court of the status of the parent
191 coordinator process, on a form provided by the court, at three month intervals or earlier
192 upon termination.

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