

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 parenting plan is required under Utah Code
6 Section 30-3-10.8 and a parent coordinator is ordered by the court.

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

9 Statement of the Rule

10 (1) Role of the parent coordinator.

11 (1)(A) Upon court order, a parent coordinator may be appointed to serve in child
12 custody and parent-time disputes. The parent coordinator's role is to consult with the
13 parties and make recommendations directly to the parents about how the children's
14 needs can best be served. The role of the parent coordinator is like that of the mediator
15 in that the parent coordinator seeks to elicit cooperation and agreement between the
16 parents. Using his or her expertise in child development, however, the parent
17 coordinator also, after hearing the parents' perceptions and thoughts, offers advice and
18 guidance with regard to specific decisions. With the help of the parent coordinator, the
19 parents then create, revise, or clarify their parenting plan, as defined in 30-3-10.7 (1).

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

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

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

37 (2) Term and condition of consultation.

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

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

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

43 (2)(A)(iii) should specify any limitations on the role of the parent coordinator.

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

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

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

53 (3)(B) responsibilities of each parent regarding decision-making and delivery of care;

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

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

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

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

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

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

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

- 63 (3)(J) selection of child care and baby-sitting;
64 (3)(K) adherence to special diet, clothing, bedtime, and recreational requirements;
65 (3)(L) child's participation in recreational and other activities with each parent;
66 (3)(M) notification of other parent when surrogate care is needed;
67 (3)(N) selection of surrogate care;
68 (3)(O) alterations in the parent time schedule;
69 (3)(P) participation of relatives and friends during parent-time;
70 (3)(Q) execution of daily routines;
71 (3)(R) adherence to conditions for parent-time (e.g., supervision by a third party,
72 drug monitoring, etc.);
73 (3)(S) school attendance;
74 (3)(T) selection of school;
75 (3)(U) access to information about the child (e.g., from school, physician);
76 (3)(V) step-parent issues;
77 (3)(W) administration of medication; and
78 (3)(X) any other issues as agreed upon by the parties.
79 (4) Qualifications. To be eligible to serve as a parent coordinator, the individual must
80 meet the same licensure requirements as a custody evaluator as noted in Rule 4-903(1)
81 (4)(A) social workers who hold the designation of Licensed Clinical Social Worker or
82 equivalent license by the state in which they practice may perform custody evaluations
83 within the scope of their licensure; or
84 (4)(B) doctoral level psychologists who are licensed by the state in which they
85 practice may perform custody evaluations within the scope of their licensure; or
86 (4)(C) physicians who are board certified in psychiatry and are licensed by the state
87 in which they practice may perform custody evaluations within the scope of their
88 licensure; or
89 (4)(D) marriage and family therapists who hold the designation of Licensed Marriage
90 and Family Therapist (Masters level minimum) or equivalent license by the state in
91 which they practice may perform custody evaluations within the scope of their licensure;
92 and must have the following minimum qualifications:

93 (4)(E) formal training in child development; this training may have been received
94 during one of the degree programs referred to above.

95 (4)(F) at least 3-year post-licensure clinical practice substantially focused on
96 child/marital/family therapy; and

97 (4)(G) a working familiarity with child custody/parent-time law and the ethical issues
98 involved in custody matters; and

99 (4)(H) beginning in 2010, at least a total of 18 hours of continuing education during
100 the previous 3 years and every 3 years thereafter; training hours should include all of
101 the following areas:

102 (4)(H)(i) conflict resolution theory and techniques, including

103 (4)(H)(ii) mediation;

104 (4)(H)(iii) child development and psychology, including

105 (4)(H)(iv) adjustment to divorce;

106 (4)(H)(v) domestic relations law;

107 (4)(H)(vi) familiarity with the dynamics of domestic violence; and

108 (4)(H)(vii) associated safety and intervention considerations; and

109 (4)(I) in areas of the state where there is a shortage of services, a professional who
110 meets the licensure requirements outlined above in (4)(A) – (4)(E) may act as a parent
111 coordinator in up to 10 cases before being required to meet the remaining qualifications.

112 (5) Impartiality.

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

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

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

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

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

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

131 (6) Conflict of interest.

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

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

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

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

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

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

151 (7) Dual roles.

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

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

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

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

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

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

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

173 (8) Communications and confidentiality.

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

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

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

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

191 (9) Agreements and enforcement.

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

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

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