

Rule 4-509. Court-appointed parent coordinator.

Intent

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

Applicability

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

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

Statement of the Rule

(1) Role of the parent coordinator.

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

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

(1)(C) The role of the parent coordinator is not primarily investigative, although the parent coordinator may meet and/or interview the children briefly during the course of the consultation process. Suggestions will not be binding upon the parties, and will not be sent to the court or others unless both parents agree to their dissemination and sign written releases to that effect. Involvement of a parent coordinator is best suited for parties who can respectfully exchange ideas and who can benefit from independent professional advice in areas where they disagree. If a viable parenting plan is established through work with the parent coordinator, the parents may stipulate to a custody and parent-time agreement, and thereby avoid active involvement of the court.

(2) Term and condition of consultation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)(N) selection of surrogate care;

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

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

(3)(Q) execution of daily routines;

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

(3)(S) school attendance;

(3)(T) selection of school;

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

(3)(V) step-parent issues;

(3)(W) administration of medication; and

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

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

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

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

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

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

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

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

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

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

(4)(F)(i) conflict resolution theory and techniques;

(4)(F)(ii) mediation;

(4)(F)(iii) child development and psychology;

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

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

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

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

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

(5) Impartiality.

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

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

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

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

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

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

(6) Conflict of interest.

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

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

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

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

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

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

(7) Dual roles.

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

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

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

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

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

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

(7)(C) In some contexts (rural communities) it may not be possible to avoid multiple relationships between the parent coordinator and the family involved in parent coordination, attorneys for the case or the judge involved in the proceedings. In these cases the parent coordinator shall disclose to relevant parties any relationships that might likely lead to impaired objectivity or decreased competence and effectiveness.

The parent coordinator shall inform relevant parties of the potential negative consequences of such multiple relationships and seek to minimize these consequences by either withdrawing or limiting the tasks they agree to undertake.

(8) Communications and confidentiality.

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

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

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

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

(9) Agreements and enforcement.

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

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