

**CHECKLIST FOR ALL CASES WITH A PC**

**CASE NAME:**

**PARENTING COORDINATOR NAME**

Address

Email

FAX

Date of PC appointment: \_\_\_\_\_

Date PC appointment expires: \_\_\_\_\_

Has the PC been provided with the current parenting plan (and Decree) AND any custody evaluation done in the case? DATE: \_\_\_\_\_

Has client been provided with a copy of **Form 11, ARFLP** and a copy of the **Order appointing PC?** Date sent to Client: \_\_\_\_\_

**PC RECOMMENDATIONS ISSUED:**

<u>Date of recommendation</u>	<u>Subject matter</u>	<u>Disposition: (i.e., was objection filed, by who, and court dates set)</u>
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## PC Primer

Note that everything on the PC Checklist above can be completed and filled out by your office staff. PC work is very lawyer-friendly. All you should need to do to help your client work with a PC is provide information to the client—and file objections, where they insist.

## PC Troubleshooting

1. **Your client asserts that PC's methods of communication are not right for his case.** Does this PC handle cases only by email? Does the PC not use email at all? Does PC operate with only joint meetings, and meetings are not scheduled regularly or are difficult to schedule? Does the PC conduct joint meetings without a specific agenda, or allow things to be brought up randomly?

Answer: If the way the PC operates is not compatible with your case, a new PC appointment should be sought. Most PCs are more than happy to withdraw from a case if his or her methods of communication or meetings aren't right for a case. Before you file to remove the PC, you may want to set a conference call with the PC and opposing counsel (this is difficult to accomplish if the opposing party is pro per) to discuss the issues and see if the communications conflicts can be resolved. Some PCs are more flexible in their operations than others.

2. **Your client asserts that PC does not act quickly enough on the issues he has raised.** First explore whether the issues raised are within the PC's scope of authority. Sometimes the PC is not acting because s/he is not permitted to act on that specific issue.

Answer: If the issue is within the PC's authority, does the issue warrant expedited action? If the action to be taken is the division of Thanksgiving vacation for this year, and it's January, the client should not expect an immediate resolution. Not everything submitted to the PC demands or will get immediate action.

**See the Guidelines for Parenting Coordination at**

**<http://www.afccnet.org/pdfs/AFCCGuidelinesforParentingcoordinationnew.pdf>**

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## PC's do NOT:

- ▶ Create original parenting time plans, even temporary ones. PCs, by definition, can only work with existing orders. If someone is asked to work with the parties to create a parenting plan, that is mediation which operates under a separate set of guidelines. If someone is asked to listen to the parties and make recommendations for a parenting plan (without an agreement of the parties), that is arbitration (ARS 12-1501 et seq.) OR a Special Master proceeding (Rule 72, ARFLP), which also have distinct requirements. All of those options are available to help the parties, but they are not options for a Parenting Coordinator.
- ▶ Recommend significant changes to a plan, such as dividing winter break equally when the current plan provides only for Christmas Eve and Day parenting time.
- ▶ Recommend a change from sole custody to joint legal, or joint legal to sole.
- ▶ Act before the Order of Appointment is signed by the Judge, or act on a Decree/Order which simply states "Annette Burns is appointed as Parenting Coordinator".  
A full and detailed Order of appointment must be entered to comply with **Rule 74**, to give the PC quasi-judicial immunity, to provide for the division of fees, and to make sure the clients understand the nature of the PC relationship and the appointment.
- ▶ Automatically appear at court hearings in a matter unless specifically requested by one or both parties or the judge.
- ▶ Have *ex parte* contact with either attorney or with the Court.
- ▶ Have a confidential relationship with either party. The PC's file and communications with each party can be reviewed by Subpoena.
- ▶ Provide therapeutic services to either party or to the children. PCs may recommend therapy but cannot provide it which would result in a dual role and breach of ethical duties.

Most clients I meet with do not initially understand what a PC can and can't do. I am repeatedly asked to radically change a parenting plan. I have frequently been asked in 50-50 joint physical custody plans to change the equal time-sharing and recommend that one parent be the primary residential parent. This usually follows a custody evaluation that recommends 50-50 time, which the parents accept in a final Agreement, but one parent has not really accepted it and thinks the PC can change it.

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