

BENCH BOOK

SAMPLE COURT ORDERS TO APPOINT MENTAL HEALTH PROFESSIONALS

Created for the Family Court Judicial Rotation training
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The attached orders **are not** created by Maricopa County Superior Court
Significant input was provided by Lynne Kenney, Ph.D.

**COMPREHENSIVE CHILD CUSTODY
EVALUATOR**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC _____

Date

Honorable _____
COURT

CLERK OF THE
Name(s)

In re the Marriage/Matter of:)
)
Petitioner) Attorney's Name
)
And)
)
Respondent) Attorney's Name
)
)
)
)
)
_____)

ORDER OF APPOINTMENT OF A PRIVATE CUSTODY EVALUATOR

IT IS ORDERED appointing the following evaluator to examine the parties and their minor child(ren):

IT IS FURTHER ORDERED that the examination shall be conducted on the following basis:

1. Scope. The evaluator shall conduct a full examination and evaluation sufficient for the evaluator to render a written report and opinions as to the current custody and access/visitation plan which would be in the best interest of the parties minor children after considering all relevant factors including those set forth in A.R.S. §25-403.

The evaluator may make any other recommendation he or she determines the Court should consider tot promote the physical, mental, moral or emotional health of the children. The evaluator may also assist the parties to resolve their dispute amicably if possible.

2. Timely Written Report. The evaluator shall prepare a written report not later than ____ days prior to the next scheduled hearing. The report shall be delivered

to the Court and counsel, or the parties if pro se, unless the evaluator asserts extraordinary circumstances, such as imminent life threat or the potential for serious harm to a person related to the case. In that event, the Court shall make a ruling regarding dissemination of the report. The acceptance of this appointment by the evaluator indicates a capability of completing a written report in a timely manner and the ability to appear and testify in court upon reasonable notice.

3. Initial Contact. Counsel for both parties, or the parties if pro se, shall make the initial contact with the evaluator through a joint conference or conference call within 10 days of receipt of this order and thereafter shall arrange for the appointments of the persons to be examined. The initial conference with the evaluator shall be used to summarize the issues present in this case, to arrange for the initial appointments of the persons the evaluator wishes to examine, and to allow the evaluator to request information he or she believes to be pertinent.

4. Authority of Evaluator/Cooperation By Parties/Waiver of Confidentiality. The evaluator shall have the following authority with regard to the minor children and family members:

a. The evaluator shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor child in this case pursuant to applicable Arizona statutes and case law.

b. The evaluator shall have reasonable access to the children and family members with reasonable notice; and shall have reasonable notice of any and all judicial proceedings including requests for any examination affecting the children and shall be provided copies of all minute entries, orders and pleadings filed in this case.

c. The evaluator shall also have access to:

- i. All therapists of the children and parties;
- ii. All school and medical records of the children and parties;
- iii. Any and all psychological testing or evaluations performed on the children or the parties;
- iv. Any and all teachers/child care providers for the children.

d. At the request of the evaluator, each party shall execute any and all releases or consents necessary to authorize the evaluator's access to the information described herein. No other clinicians (i.e., therapists, psychologists, social workers etc.) are to work on this case during the course of the evaluation without the consent or authorization of the evaluator, unless otherwise authorized by court order.

e. The parties are informed that the Court is the identified client of the evaluator of this case. The evaluator serves the Court in this case; therefore, neither the parties nor their children are patients of the evaluator. There is no confidentiality relating to the parties' communications with or to the evaluator or concerning the evaluator's activities or recommendations. The evaluator may engage in written or verbal communication with any person he or she perceives capable of providing information relevant to the care and welfare of the child.

f. The evaluator may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

g. The evaluator shall be promptly provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted by the date requested. This Order shall act as a release by the parties of all information requested by the evaluator and shall further obligate the parties for any costs associated with the production of those records to the evaluator. Any costs shall be paid promptly.

5. No Ex-Parte Contact. The parties and counsel shall not have substantive ex-parte discussions with the evaluator, but shall conduct all communication through conference calls or conferences, unless agreed upon otherwise by all parties and counsel. Copies of any documentation provided by counsel or the parties to the evaluator shall concurrently be sent by the providing person to the other side. Copies shall be sent to counsel if the other side is represented by counsel. The evaluator may have ex-parte contact with the Court regarding scheduling matters.

6. Fees. The evaluator's fee and costs shall be paid ___% by Father, and ___% by Mother subject to other and further orders of the Court. Fees shall be payable at the time of the first appointment and costs shall be paid as directed by the evaluator. In the event any person (including a child) fails to appear at the time of an appointment, the person responsible for the missed appointment shall be obligated to pay any cost associated with the missed appointment.

7. Evidence. The written report of the evaluator may be received in evidence without the necessity of any foundation and without any objection to hearsay statements contained therein or any other objection.

8. Testimony. Each party shall have the right to call the evaluator as a witness. If only one party believes that the evaluator's live testimony is necessary, in addition to the written report, that party shall initially be responsible for 100% of the costs incurred in connection with the evaluator testifying at the court hearing, subject to reallocation by the court if appropriate.

9. Immunity. The evaluator acts as a quasi-judicial officer in his or her capacity pursuant to the Order, and as such, the evaluator has limited immunity consistent with the Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the evaluator shall be brought to the attention of the Court in writing.

10. Concerns: Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

DONE IN OPEN COURT this date: _____

Hon. _____
Judge of the Superior Court

LIMITED ASSESSMENT EVALUATOR

SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

In Re the Marriage of:	)	CASE NO.:
)	
Petitioner:	)	ORDER FOR
	)	APPOINTMENT FOR A LIMITED
and	)	ASSESSMENT EVALUATOR
)	
Respondent:	)	(The Honorable)
)	
_____)	

ORDER APPOINTING A LIMITED ASSESSMENT EVALUATOR

IT IS ORDERED appointing _____ to perform a limited assessment.

Counsel for the parties, or parties if pro per, shall make the initial contact with the examiner through joint conference or conference call within 10 days of receipt of this order and thereafter shall arrange for the appointments for the persons to be examined.

The initial conference with the expert shall be used to summarize the issues present in the case and to allow the expert to request information he or she believes would be pertinent. The acceptance of this appointment by the evaluator indicates a capability of completing a written report by _____ and the ability to appear in court on the stated issue. If the expert appointed cannot comply with the time parameters stated, he or she shall notify counsel or the court immediately upon receipt of this minute entry.

The parties are to comply fully with this court order and present as requested on time for the evaluation process. The parties shall comply with all requests made by the evaluator. All data provided by the parties directly to the evaluator shall be copied to the other party, or to the legal representative of that party.

The scope of this appointment is limited (choose what applies to this particular case).

- **The evaluator should limit this assessment to issues affecting parenting time.**
- **The evaluator should limit this assessment to issues affecting custody.**
- **The evaluator should limit this assessment to issues related to domestic violence allegations. The Court seeks information as to**

the extent of the violence and whether such allegations should be considered when determining custody and parenting responsibility.

- **The evaluator should limit this assessment to issues related to:**
 - **Child development and particular child needs**
 - **Substance abuse.**
 - **Mental health.**

THE AUTHORITY OF THE EVALUATOR

The Evaluator shall have the following rights and authority with regard to the minor children and family members:

The Evaluator shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Evaluator shall have the authority to collect data and form opinions relevant to statutory issues. The expert shall conduct any and all assessment needed in order to provide an ultimate opinion as to the specific evaluation question identified above. Collection and integration of information as well as referral for adjunct services shall be at the sole discretion of the expert. The Evaluator may request that the individual being evaluated participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing.

The Evaluator shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Evaluator and shall further obligate the parties for any costs associated with the production of those records to the Evaluator. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Evaluator may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Evaluator from time to time. The Evaluator may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Evaluator may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Evaluator but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Evaluator. The Evaluator may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

Although the Evaluator will espouse collegial inter-professional relations with counsel, the Evaluator does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the evaluator shall be promptly reported to the court.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the evaluation without the consent or authorization of the Evaluator, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

IMMUNITY

The Evaluator shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Evaluator is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Evaluator shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

INFORMATION AND RECORDS

The Evaluator shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Evaluator shall also have access to:

- [i] All therapists of the children and parties;
- [ii] All school and medical records of the children and parties;
- [iii] Any and all psychological testing or evaluations performed on the children or the parties;
- [iv] Any and all teachers/child care providers for the children.
- [v] Any and all additional records the Evaluator deems necessary and relevant to the evaluation.
- [vi] Any and all CPS medical and mental health records.

At the request of the Evaluator, each party shall execute any and all authorizations, releases or consents necessary so as to authorize the Evaluator's access to the information contemplated herein above.

The Evaluator may seek information and records that are the result of a privileged relationship. The Evaluator shall request only the records and information that are necessary and pertinent to further the purpose of this evaluation. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Evaluator for this evaluation.

APPEARANCES

Each party reserves the right to call the Evaluator as a witness. If only one party believes that the Evaluator's testimony is necessary in addition to his/her written report that party shall be responsible for 100% of the costs incurred in connection with the Evaluator testifying during the hearing.

The Evaluator may appear and may be available to testify at any court hearing upon reasonable notice to the Evaluator, the Court, and the opposing party, regarding any issue addressed by the Evaluator.

The parties' attorneys are responsible for notifying the Evaluator of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the Evaluator is unable to provide a written report prior to the scheduled hearing, the Evaluator will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Evaluator's proceedings, they shall be submitted to the Court. There will be no videotaping or audio taping of the Evaluator, the child or the parties without the written consent of the Evaluator.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____ % of the Evaluator's fees and the _____ shall be responsible for and pay _____ % of the fees, until further order of the Court. All fees shall be paid in advance as determined by the Evaluator. The Evaluator shall keep accurate records of services rendered and fees paid by each party.

If the Evaluator's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties as determined by the fee pay structure outlined within this order, prior to the first appointment. Payment thereafter should be made in accordance with the Evaluator's fee procedures. If at any point a party has not abided by the Evaluator's payment procedures, the Evaluator may contact the Court and request that the non-paying party be directed to pay in order to continue the evaluation in a timely fashion.

If the Evaluator determines that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Evaluator may recommend to the Court a different allocation for payment of fees.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Evaluator or concerning the Evaluator's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Evaluator is appointed as the court's expert. Additional rules applicable to the Evaluator may be ordered by the Court from time to time.

THE EVALUATOR REPORT

The report of the Evaluator may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court, the parties and counsel, unless otherwise ordered by the Court. Upon delivery of the report, the evaluator shall be discharged of his evaluative duties. Any further data collection shall be executed only via court order.

CONCERNS:

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

IT IS FURTHER ORDERED that by the signing of this minute entry, it shall become a formal Order of this Court without further notice to the parties, pursuant to Rule 54, Arizona Rules of Civil Procedure.

Date

Judge of the Superior Court

CHILD FORENSIC INTERVIEW

SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

In Re the Marriage of:	)	CASE NO.:
)	
Petitioner:	)	ORDER FOR
	)	APPOINTMENT FOR A CHILD
and	)	FORENSIC INTERVIEW
)	
Respondent:	)	(The Honorable)
)	
_____)	

ORDER APPOINTING A CHILD FORENSIC INTERVIEW

IT IS ORDERED appointing _____ to perform a child forensic interview.

Counsel for the parties, or parties if pro per, shall make the initial contact with the examiner through joint conference or conference call within 10 days of receipt of this order and thereafter shall arrange for the appointments for the persons to be examined.

The initial conference with the expert shall be used to summarize the issues present in the case and to allow the expert to request information he or she believes would be pertinent. The acceptance of this appointment by the evaluator indicates a capability of completing a written report by _____ and the ability to appear in court on the stated issue. If the expert appointed cannot comply with the time parameters stated, he or she shall notify counsel or the court immediately upon receipt of this minute entry.

The parties are to comply fully with this court order and present as requested on time for the evaluation process. The parties shall comply with all requests made by the interviewer. All data provided by the parties directly to the interviewer shall be copied to the other party, or to the legal representative of that party.

Scope:

If the alleged victim has disclosed child maltreatment, according to the Maricopa County Mental Health Intervention Protocol for assessing child maltreatment, first law enforcement must be notified of child's disclosure. These cases are often re-evaluation cases; the child has had numerous forensic interviews with no disclosure, but the child continues to exhibit high probability behavioral indicators and/or physical indicators of child maltreatment. The following are examples of appropriate referrals:

- **Multiple allegations of child sexual abuse, neglect, or physical abuse with a least one reporting source outside the family.**

- **Enduring unhealthy child behaviors often correlated with child maltreatment.**
- **Medical findings with no child disclosure.**
- **Partial but consistent disclosures to child protective services/law enforcement.**
- **High-risk parental behaviors (documented domestic violence, documented neglect or physical abuse of child, substance abuse/addiction, parental history of in-patient hospitalization, severe adult psychopathology, alienating behaviors, and/or criminal history.)**

THE AUTHORITY OF THE INTERVIEWER

The Interviewer shall have the following rights and authority with regard to the minor children and family members:

The Interviewer shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Interviewer shall have the authority to collect data and form opinions relevant to statutory issues. The expert shall conduct any and all assessment needed in order to provide an ultimate opinion as to the specific evaluation question identified above. Collection and integration of information as well as referral for adjunct services shall be at the sole discretion of the expert. The Interviewer may request that the individual being evaluated participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing.

The Interviewer shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Interviewer and shall further obligate the parties for any costs associated with the production of those records to the Interviewer. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Interviewer may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Interviewer from time to time. The Interviewer may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Interviewer may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Interviewer but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Interviewer. The Interviewer may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

Although the Interviewer will espouse collegial inter-professional relations with counsel, the Interviewer does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the interviewer shall be promptly reported to the court.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the evaluation without the consent or authorization of the Interviewer, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

IMMUNITY

The Interviewer shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Interviewer is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Interviewer shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

INFORMATION AND RECORDS

The Interviewer shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Interviewer shall also have access to:

- [i] All therapists of the children and parties;
- [ii] All school and medical records of the children and parties;
- [iii] Any and all psychological testing or evaluations performed on the children or the parties;
- [iv] Any and all teachers/child care providers for the children.
- [v] Any and all additional records the Interviewer deems necessary and relevant to the evaluation.
- [vi] Any and all CPS medical and mental health records.

At the request of the Interviewer, each party shall execute any and all authorizations, releases or consents necessary so as to authorize the Interviewer's access to the information contemplated herein above.

The Interviewer may seek information and records that are the result of a privileged relationship. The Interviewer shall request only the records and information that are

necessary and pertinent to further the purpose of this evaluation. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Interviewer for this evaluation.

APPEARANCES

Each party reserves the right to call the Interviewer as a witness. If only one party believes that the Interviewer's testimony is necessary in addition to his/her written report that party shall be responsible for 100% of the costs incurred in connection with the Interviewer testifying during the hearing.

The Interviewer may appear and may be available to testify at any court hearing upon reasonable notice to the Interviewer, the Court, and the opposing party, regarding any issue addressed by the Interviewer.

The parties' attorneys are responsible for notifying the Interviewer of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the Interviewer is unable to provide a written report prior to the scheduled hearing, the Interviewer will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Interviewer's proceedings, they shall be submitted to the Court. There will be no videotaping or audio taping of the Interviewer, the child or the parties without the written consent of the Interviewer.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____ % of the Interviewer's fees and the _____ shall be responsible for and pay _____ % of the fees, until further order of the Court. All fees shall be paid in advance as determined by the Interviewer. The Interviewer shall keep accurate records of services rendered and fees paid by each party.

If the Interviewer's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties as determined by the fee pay structure outlined within this order, prior to the first appointment. Payment thereafter should be made in accordance with the Interviewer's fee procedures. If at any point a party has not abided by the Interviewer's payment procedures, the Interviewer may contact the Court and request that the non-paying party be directed to pay in order to continue the evaluation in a timely fashion.

If the Interviewer determines that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Interviewer may recommend to the Court a different allocation for payment of fees.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Interviewer or concerning the Interviewer's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Interviewer is appointed as the court's expert. Additional rules applicable to the Interviewer may be ordered by the Court from time to time.

THE INTERVIEWER REPORT

The report of the Interviewer may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court, the parties and counsel, unless otherwise ordered by the Court. Upon delivery of the report, the interviewer shall be discharged of his evaluative duties. Any further data collection shall be executed only via court order.

CONCERNS:

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant

IT IS FURTHER ORDERED that by the signing of this minute entry, it shall become a formal Order of this Court without further notice to the parties, pursuant to Rule 54, Arizona Rules of Civil Procedure.

Date

Judge of the Superior Court

PRELIMINARY SCREENING

or she will not accept this appointment. Acceptance of the appointment indicates the capability of complying with the terms of this order.

IT IS FURTHER ORDERED that the screening shall be conducted on the following basis:

1. Scope. The screening shall primarily consist of recommendations without the detailed psychosocial summary often found in more exhaustive reports. The Provider may make any recommendations he or she determines the Court should consider to promote the physical, mental or emotional health of the child. In performing the screening, a problem list can be generated with a goal list and an action plan. If possible, the Provider may also assist the parties in amicably resolving their custody/parenting time dispute.

The scope of the screening is to be more limited than a custody evaluation and in compliance both with the time period for submitting the report and the limitation placed on cost, all set forth below. The screening will not include psychological testing, personality inventories or extensive investigation. The methodology may include evaluating the family, and collecting educational, psychosocial, medical, psychological, legal and collateral data relevant to the needs of the child.

2. Written Report.

a. The Provider shall prepare a written report not later than 45 days after the Initial Conference (see below), which shall be submitted to the Court and the parties. The Court requests that the report be as brief as possible. No required format is adopted. The use of the Court Approved Screening Tool may be utilized to complete and report the screening but should include "comments" where necessary to fully explain the results of the screening.

b. The acceptance of this appointment by the Provider indicates the ability and willingness to complete a written report in a timely manner and the ability to appear and testify in court upon reasonable notice if necessary. (In most instances, the appearance, with the agreement of the parties, will be by telephone.)

c. The Court anticipates that the Provider may address statutory issues set forth in A.R.S. § 25-403 such as: wishes of the child, wishes of the parents, use of coercion, willingness to allow frequent and continual access, mental and physical health, interaction, primary caretaker, and adjustment of the child to his/her community and home. The Court requests that the Provider consider addressing the following matters in the report, in addition to all other matters deemed relevant by the Provider:

1. Outline of the positions of the parties, including any relevant background, significant criminal history, drug/alcohol abuse, domestic violence, etc.
2. Brief psychological history of the parents, incorporating the results of their interviews and any collateral data.*
3. Description of child(ren), with emphasis on any special needs identified and the results of any interviews.
4. Listing of very specific questions and suggestions the Court may wish to consider when determining custody and related issues.

5. Suggestions for further evaluation if indicated, with a clear rationale for why it is needed

* if a party declined an interview with the appointed expert, the report will nevertheless be submitted and reviewed by the Court without that party's input and with a notation that the party refused the interview.

3. Initial Contact. The parties, or if represented by counsel, their attorneys, shall make the initial contact with the Provider through a conference call within 10 days of receipt of this order and, thereafter, shall arrange for the appointments of the persons to be interviewed. The initial conference with the Provider shall be used to summarize the issues in the case, to arrange for the initial appointments of the persons the Provider wishes to examine, and to allow the Provider to request information he or she believes to be pertinent.

4. Authority of Family Services Provider/Cooperation by Parties/Waiver of Confidentiality. The Provider shall have the following authority with regard to the minor child(ren) and family members:

In order to provide data and opinions relevant to the care of, custody of and access to the minor child(ren) pursuant to applicable Arizona statutes and case law, including A.R.S. § 25-406, the Provider shall serve as an expert for the court (Arizona Rule of Evidence 706). The Provider shall have: (a) Reasonable access to the child(ren) and family members with reasonable notice; and (b) Reasonable notice of all judicial proceedings, including requests for any examination affecting the child(ren), and shall be provided copies of all minute entries, orders and pleadings filed in the case.

The Provider shall also have access to:

1. all therapists of the child(ren) and parties;
2. all school and medical records of the child(ren) and parties;
3. all psychological testing or evaluations performed on the child(ren) or the parties;
4. all teachers/child care providers for the child(ren).
5. Any other records the Provider reasonably deems necessary to complete the assigned task.

At the request of the Provider, each party shall execute any release or consent necessary to authorize the Provider's access to the information described herein. No other clinicians (i.e., therapists, psychologists, social workers, etc.) are to work on this case during the course of the screening without the knowledge of the Provider, unless otherwise authorized by court order.

The Provider serves the Court in this case. Therefore, neither the parties nor their child(ren) will be considered patients of the Provider. There is no confidentiality relating to the parties' communications with/to the Provider or concerning the Provider's activities or recommendations. The Provider may engage in written or verbal communication with any person he or she perceives capable of providing information relevant to the care and welfare of the child(ren).

The Provider shall be promptly provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel to ensure that the report is submitted by the date requested. This order shall act as a release by the parties of all information requested by the Provider and shall further obligate the parties for any costs associated with the production of those records to the Provider. Any such costs shall be paid promptly.

5. No Ex-Parte Contact. The parties and/or counsel shall not have substantive ex-parte contact with the Provider, but shall conduct all communication through conference call or conferences, unless otherwise agreed upon by all parties and counsel. Copies of any documentation submitted to Provider by counsel or a party shall concurrently be provided to the other side.

The Provider may have ex-parte contact with the Court regarding scheduling matters.

6. Cost. The cost of the screening shall be in accordance with the proposed cost submitted by the Provider at the time of application to the Court for inclusion on the Mental Health Roster "menu of services" for Preliminary Screenings, or as adjusted after written notification to the parties/lawyers and Court. The Roster indicates that the cost of the screening charged by the above Provider is \$_____. The parties shall be advised immediately if the Provider's charge has changed prior to the commencement of the screening.

The Provider's fees and costs shall be paid ____% by Mother and ____% by Father subject to further orders of the Court. Fees shall be payable at the time of the first appointment or as directed by the Provider. Any costs shall also be paid as directed by the Provider. In the event any person (including child(ren)) fails to appear at the time of an appointment, the person responsible for the missed appointment shall be obligated to pay the full cost associated with the missed appointment.

Finally, it is recognized both by the parties and the Court that, on occasion, the Provider may make recommendations regarding other services which cannot be completed within the cost estimates of the screening. In those instances, the Provider shall make recommendations for other reasonably necessary services, tests, or examinations.

7. Evidence. The written report of the Provider may be received in evidence without the necessity of any foundation and without any objection to hearsay statements contained therein.

8. Testimony. Each party shall have the right to call the Provider as a witness.

9. Immunity. The Provider has immunity in accordance with Arizona law as to all acts undertaken pursuant to and consistent with the appointment order of the Court.

10. Concerns: Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required

above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant

Accordingly,

IT IS ORDERED that a Preliminary Screening be conducted.

**INDEPENDENT PSYCHOLOGICAL
EXAMINATION
(ALSO USEFUL FOR INDEPENDENT
MEDICAL EXAMINATION)**

SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

In Re the Marriage of:	)	CASE NO.:
)	
Petitioner:	)	ORDER FOR
	)	APPOINTMENT
and	)	OF EXPERT FOR AN INDEPENDENT
	)	PSYCHOLOGICAL EVALUATION
	)	(The Honorable)
Respondent:)	
)	
_____)	

ORDER APPOINTING A PSYCHOLOGICAL EVALUATOR

IT IS ORDERED appointing _____ to perform an independent psychological evaluation for _____. The evaluation should focus on mother/father and any psychological issues, specifically those that might affect parenting.

Counsel for the parties, or parties if pro per, shall make the initial contact with the examiner through joint conference or conference call within 10 days of receipt of this order and thereafter shall arrange for the appointments for the persons to be examined.

The initial conference with the expert shall be used to summarize the issues present in the case and to allow the expert to request information he or she believes would be pertinent. The acceptance of this appointment by the evaluator indicates a capability of completing a written report by _____, and the ability to appear in court on the stated issue. If the expert appointed cannot comply with the time parameters stated, he or she shall notify counsel or the court immediately upon receipt of this minute entry.

The parties are to comply fully with this court order and present as requested on time for the evaluation process. The parties shall comply with all requests made by the evaluator. All data provided by the parties directly to the evaluator shall be copied to the other party, or to the legal representative of that party.

Scope: The scope of the evaluator is to assess the mental status of Mother/Father, especially how his/her mental health affects parenting competency.

THE AUTHORITY OF THE EVALUATOR

The Evaluator shall have the following rights and authority with regard to the minor children and family members:

The Evaluator shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Evaluator shall have the authority to

collect data and form opinions relevant to statutory issues. The expert shall conduct any and all assessment needed in order to provide an ultimate opinion as to the specific evaluation question identified above. Collection and integration of information as well as referral for adjunct services shall be at the sole discretion of the expert. The Evaluator may request that the individual being evaluated participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing.

The Evaluator shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Evaluator and shall further obligate the parties for any costs associated with the production of those records to the Evaluator. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Evaluator may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Evaluator from time to time. The Evaluator may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Evaluator may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Evaluator but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Evaluator. The Evaluator may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

Although the Evaluator will espouse collegial inter-professional relations with counsel, the Evaluator does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the evaluator shall be promptly reported to the court.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the evaluation without the consent or authorization of the Evaluator, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

IMMUNITY

The Evaluator shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Evaluator is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Evaluator shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies.

Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

INFORMATION AND RECORDS

The Evaluator shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Evaluator shall also have access to:

- [i] All therapists of the children and parties;
- [ii] All school and medical records of the children and parties;
- [iii] Any and all psychological testing or evaluations performed on the children or the parties;
- [iv] Any and all teachers/child care providers for the children.
- [v] Any and all additional records the Evaluator deems necessary and relevant to the evaluation.
- [vi] Any and all CPS medical and mental health records.

At the request of the Evaluator, each party shall execute any and all authorizations, releases or consents necessary so as to authorize the Evaluator's access to the information contemplated herein above.

The Evaluator may seek information and records that are the result of a privileged relationship. The Evaluator shall request only the records and information that are necessary and pertinent to further the purpose of this evaluation. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Evaluator for this evaluation.

APPEARANCES

Each party reserves the right to call the Evaluator as a witness. If only one party believes that the Evaluator's testimony is necessary in addition to his/her written report that party shall be responsible for 100% of the costs incurred in connection with the Evaluator testifying during the hearing.

The Evaluator may appear and may be available to testify at any court hearing upon reasonable notice to the Evaluator, the Court, and the opposing party, regarding any issue addressed by the Evaluator.

The parties' attorneys are responsible for notifying the Evaluator of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the Evaluator is unable to provide a written report prior to the scheduled hearing, the Evaluator will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Evaluator's proceedings, they shall be submitted to the Court. There will be no videotaping or audio taping of the Evaluator, the child or the parties without the written consent of the Evaluator.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____ % of the Evaluator's fees and the _____ shall be responsible for and pay _____ % of the fees, until further order of the Court. All fees shall be paid in advance as determined by the Evaluator. The Evaluator shall keep accurate records of services rendered and fees paid by each party.

If the Evaluator's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties as determined by the fee pay structure outlined within this order, prior to the first appointment. Payment thereafter should be made in accordance with the Evaluator's fee procedures. If at any point a party has not abided by the Evaluator's payment procedures, the Evaluator may contact the Court and request that the non-paying party be directed to pay in order to continue the evaluation in a timely fashion.

If the Evaluator determines that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Evaluator may recommend to the Court a different allocation for payment of fees.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Evaluator or concerning the Evaluator's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Evaluator is appointed as the court's expert. Additional rules applicable to the Evaluator may be ordered by the Court from time to time.

THE EVALUATOR REPORT

The report of the Evaluator may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court, the parties and counsel, unless otherwise ordered by the Court. Upon delivery of the report, the evaluator shall be discharged of his evaluative duties. Any further data collection shall be executed only via court order.

CONCERNS:

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant

IT IS FURTHER ORDERED that by the signing of this minute entry, it shall become a formal Order of this Court without further notice to the parties, pursuant to Rule 54, Arizona Rules of Civil Procedure.

Date

Judge of the Superior Court

PARENTING COORDINATOR

SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY

FC _____

Date

Honorable _____
COURT

CLERK OF THE
Name

In re:)	
Petitioner	)	Attorney's Name
)	
And)	
)	
Respondent	)	Attorney's Name
)	
)	
)	
)	
)	
_____)	

ORDER OF APPOINTMENT OF PARENTING COORDINATOR

The Court has considered **[prompt for these options: (sua sponte) (the Motion for) (the stipulation for)]** the Appointment of a Parenting Coordinator. The Court finds that the issues involving parenting plans involve complex family dynamics problems. These issues often require speedy resolution and involve the consideration of mental health and economic issues crucial to the protection of the best interest of the minor child(ren).

IT IS ORDERED pursuant to A.R.S. §§ 25-405 and 25-410 appointing **[enter name of parenting coordinator]** as the Parenting Coordinator in this case, with authority as provided in this Order.

The Parenting Coordinator is appointed for a term of 12 months subject to (1) reappointment at the expiration thereof upon the Court's own motion, the request of the Parenting Coordinator or motion of either party; or (2) earlier removal by court order based upon motion showing good cause, stipulation of the parties, or resignation by the Parenting Coordinator.

(2) PARENTING COORDINATOR AUTHORITY

IT IS FURTHER ORDERED that the Parenting Coordinator is authorized, subject to the provisions of paragraph 6 of this Order, to make recommendations regarding

implementation, clarification, and enforcement of any temporary or permanent custody or visitation/access orders of the Court; provided, however, the Parenting Coordinator is not authorized, unless specifically ordered by the Court, to investigate or make recommendations regarding substantial changes to existing custody orders, such as modification of legal custody, relocation of the child/children, alteration of existing access schedules which substantially changes the access time of either parent.

The scope of the authority of the Parenting Coordinator shall be:

(a) to make recommendations to the Court regarding all current and future disputes arising under or as a result of the custody or visitation/access order as to the minor children, including by way of example only, disputes over: schooling, daycare or babysitting, medical and/or psychological care, activities of the child, discipline, daily routine, transportation, visitation exchanges, vacation and holiday scheduling or any other "parenting-type" issues, and any issue as the Court may from time to time direct; and/or

(b) resolve/decide any issue within the scope of authority of the Parenting Coordinator by any dispute-resolution method which may be agreed to by the parties.

The Parenting Coordinator shall formulate recommendations based upon what is in the children's best interest.

The Parenting Coordinator may interview all members of the immediate or extended family of both parties at the discretion of the Parenting Coordinator.

The Parenting Coordinator may interview and request the participation of any and all persons who the Parenting Coordinator deems to have relevant information or to be useful participants.

The Parenting Coordinator may request that the Court order the parties and/or children to participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations and assessments and psychotherapy, alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

Time Sensitive Issue Authority and Procedure:

The Court recognizes that occasionally circumstances and parenting issues arise in the normal daily functioning of the family, in which time sensitive decisions must be made to assist the family and ensure consistency, continuity and speedy dispute resolution for the welfare of the children and parents. Such circumstances sometimes require immediate action and resolution because of the short-term nature of the issue and potential for disruption of the child's life and harm to the child's best interests, both short term and long term, if the issue or dispute is not resolved immediately.

In such an instance, and within the purview of the scope of authority of the Parenting Coordinator, the Parenting Coordinator may communicate with the assigned judge in writing with a copy to the parents (or counsel, if represented), his or her recommendations to the Court, and if the Court determines that interim orders

may be entered sufficient to resolve the immediate dispute, and if the Court makes such an interim order, the Parenting Coordinator has authority to immediately communicate the same to the parties on the Court's behalf. Thereafter, the procedures set forth in Paragraph 6(c) hereof shall apply.

Provided, however, should the assigned judge not be immediately available for conference or hearing, the Parenting Coordinator has the authority to make a binding decision, applicable only for each such short-term, emergent, non-recurring situation or dispute, which would be made without prejudice and without precedent as to any future action or procedure for any other dispute.

For purposes of example only, and not by limitation, such time-sensitive, emergent situations might be:

Temporarily changing exchange day, time or place;

Attendance at or participation in a special event or occasion by the child or a parent;

Responsibility for care of a sick child or accompaniment to medical treatment;

A special non-recurring need of the child or a parent.

The Parenting Coordinator report shall document all substantive issues addressed and the basis for the recommendations made to the Court.

The foregoing authority and procedure is implemented as an exception to the procedures set forth in Section (5) of this Order, based upon the best interests of the child/children covered by this Order.

(3) AUTHORITY OF PARENTING COORDINATOR RE: THE CHILDREN

The Parenting Coordinator shall have the following rights and authority with regard to the minor children:

(a) Reasonable access to the children with reasonable notice;

(b) Reasonable notice of any and all judicial proceedings including requests for any examination affecting the children, and shall be provided copies of all orders and pleadings filed in this case;

(c) The Parenting Coordinator shall have access to:

[i] all therapists of the children, parents and other parties;

[ii] all school and medical records of the children and parents;

[iii] any and all mental health records including but not limited to psychological testing or evaluations performed on the children or the parents;

[iv] any and all teachers/child care provider for the children.

(d) The Parenting Coordinator is authorized to interview the parties or child in any combination, whether initiated by the Parenting Coordinator or either party. If either party contacts in writing the Parenting Coordinator, the documentation or writing given to the Parenting Coordinator shall be provided to the opposing party and counsel (if any) simultaneous to providing it to the Parenting Coordinator.

(e) At the request of the Parenting Coordinator, each party shall execute any and all releases or consents necessary so as to authorize the Parenting Coordinator's access to the information contemplated herein above.

(4) **CONFIDENTIALITY**

There is **no confidentiality** relating to the parties' communications with/to the Parenting Coordinator or concerning the Parenting Coordinator's activities or recommendations.

(5) **PROCEDURE**

IT IS FURTHER ORDERED that proceedings before the Parenting Coordinator shall be conducted in accordance with the following procedures:

(a) Either party, the Parenting Coordinator or the Court may initiate proceedings before the Parenting Coordinator. Both parties **shall** participate in the dispute resolution processes defined by the Parenting Coordinator.

(b) Once proceedings are initiated under (a) above, the Parenting Coordinator shall determine, at his/her discretion, the sequence and frequency of meetings and who shall participate in any sessions/meetings. Notice may be made by mail to the last known address supplied to the Court or, if circumstances demand, the Parenting Coordinator may notify the parties orally and make a notation of the date and time of the notification. The Parenting Coordinator shall proceed with all reasonable diligence. If a party fails to appear at a time and place appointed, the Parenting Coordinator may proceed at that time, or at the Parenting Coordinator's discretion, continue the meeting to a future day with notice to the absent party.

(c) If either party fails to participate as requested by the Parenting Coordinator, then in addition to all other remedies available under law, the Parenting Coordinator may proceed and make recommendations regarding the dispute, if necessary, without the participation of such party.

(d) The Parenting Coordinator is not required to make a record of the proceedings, however, any party, at their option and expense and upon reasonable notice, may make a record of any information offered. The Parenting Coordinator, may, in his or her discretion, tape record or video record or otherwise preserve any information presented to the Parenting Coordinator.

(e) The Parenting Coordinator or the parties may request that the Court procure the attendance of witnesses for any proceedings conducted by the Parenting Coordinator.

(f) The Parenting Coordinator may request, with notice to the parties, the Court to issue subpoenas to require the appearance of any person within the jurisdiction of this Court and/or require the production of any documents within the jurisdiction of this Court or under the control of either party or their agents.

(g) If either or both parties are represented by counsel, there shall be no ex parte communications between the Parenting Coordinator and counsel except if such communication relates solely to scheduling matters.

(h) Additional rules applicable to the Parenting Coordinator may be ordered by the Court from time to time.

(6) RECOMMENDATIONS AND OBJECTIONS

(a) The Parenting Coordinator may, in his or her discretion, submit draft recommendations to the parties or their counsel for the purpose of receiving their suggestions. The Parenting Coordinator may, at his or her discretion, require the parties or their counsel to submit proposed draft recommendations to the Parenting Coordinator.

(b) All final recommendations shall be submitted in report format to the assigned division/judge and each party and counsel, if represented.

(c) The assigned division/judge shall review the recommendations from the Parenting Coordinator, and thereafter, may enter an order/minute entry which:

[i] adopts or modifies the recommendations as an interim order of the Court, effective immediately, based upon the finding that circumstances exist making the immediate entry of the order necessary, which order shall become a final order on the 25th day following the date of filing of the order, but which order shall not become a final order until so ordered by the Court if an interested party has filed a written objection to the order within 25 days after the date of filing of the order;

[ii] adopts or modifies the recommendations, but which order shall not become effective until the 25th day following the date of the order, provided that no written objection to the order has been filed;

[iii] does not adopt or modify the recommendation and

(a) makes other orders;

(b) refers the matter back to the Parenting Coordinator for further proceedings;

(c) sets Evidentiary Hearing on the matter.

(d) The original report, recommendation and order/minute entry will be routed to the legal file and copies mailed to all parties by the Clerk.

(d) If an objection is filed, the Court will resolve the same by directing a response to the objection from the other party, holding a hearing or taking such other measures as are appropriate to the matter at issue. An objection does not stay an interim order unless the Court orders otherwise.

(7) **APPEARANCES**

(a) The Parenting Coordinator may appear and shall be available to testify at any court hearing upon reasonable notice to the Parenting Coordinator, the Court and the opposing party regarding any issue addressed by the Parenting Coordinator.

(b) If transcripts, tape recordings or videotapes have been made of any portions of the Parenting Coordinator proceedings, they shall be submitted to the Court.

(8) **DISCLOSURES**

The parties shall keep the Parenting Coordinator advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information. This information shall be immediately communicated in writing to the Parenting Coordinator.

(9) **IMMUNITY**

The Parenting Coordinator has immunity in accordance with Arizona law as to all acts undertaken pursuant to and consistent with the appointment order of the court.

Any alleged impropriety or unethical conduct by the Parenting Coordinator **shall** be brought to the attention of the Court in writing.

(10) **FEES**

IT IS FURTHER ORDERED the **Petitioner** shall be responsible for and pay **50%** of the Parenting Coordinator 's fees, and the **Respondent** shall be responsible for and pay **50%** of the Parenting Coordinator's fees, until further order of the Court. All fees shall be paid in advance as determined by the Parenting Coordinator. The Parenting Coordinator shall keep accurate records of services rendered and fees paid by each party.

IT IS FURTHER ORDERED that should the Parenting Coordinator determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Parenting Coordinator may recommend to the Court a different allocation for payment of fees.

IT IS FURTHER ORDERED that should the Parenting Coordinator find any party is acting in bad faith, and/or not complying with the Court's orders, the Parenting Coordinator may recommend that the party acting in bad faith pay or reimburse the other

party's costs of services provided by the Parenting Coordinator necessitated by the party acting in bad faith, and the Parenting Coordinator may recommend additional sanctions which may include modifications of access and/or contempt proceedings.

(11) CONCERNS

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

DONE IN OPEN COURT this date: _____

Hon. _____
Judge of the Superior Court

TREATMENT ROLES

THERAPEUTIC INTERVENTIONIST

ROLE OF THE THERAPEUTIC INTERVENTIONIST

IT IS ORDERED appointing _____, to perform the following:

Therapeutic Intervention (TI)

The interventionist: Identifies the problem, formulates multiple hypotheses for the problem, designs the intervention and coordinates and communicates the intervention with the parties/treatment/legal team.

In this role, the interventionist may serve as follows:

1. Provide rehabilitation of a relationship between identified family members.
2. Identify, establish and communicate clear boundaries, behavioral expectations, and rules, in order to enhance safety and health in the family.
3. Make referrals for therapy as appropriate for containment of psychological or behavioral issues regarding the parents or children as needed.
4. Report child maltreatment pursuant to applicable child abuse reporting statutes.
5. Facilitate the development of, or implement a court-ordered, child-focused, schedule for access.
6. Facilitate conflict resolution.
7. Provide education and support to obviate re-litigation.
8. Assist family members in establishing:
 - a. Rules for healthy interaction with each other;
 - b. Rules for safe touch;
 - c. Rules for appropriate child discipline;
 - d. Rules for establishing appropriate behavioral limits;
 - e. Rules for family boundaries;
 - f. Rules for what is discussed in telephone contacts between parents and children;
 - g. Rules for behavior at exchanges;
 - h. Rules regarding who is present at exchanges and access.

THE AUTHORITY OF THE THERAPEUTIC INTERVENTIONIST

The Therapeutic Interventionist shall have the following rights and authority with regard to the minor children and family members:

The Therapeutic Interventionist shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The

Therapeutic Interventionist shall have the authority to assess, intervene, educate and refer for treatment as deemed necessary by the expert.

The Therapeutic Interventionist shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Expert Therapeutic Interventionist for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed via court order.

In addition, the Therapeutic Interventionist shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Therapeutic Interventionist and shall further obligate the parties for any costs associated with the production of those records to the Therapeutic Interventionist. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Therapeutic Interventionist may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The Therapeutic Interventionist may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Therapeutic Interventionist from time to time.

The Therapeutic Interventionist may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Therapeutic Interventionist may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Therapeutic Interventionist but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Therapeutic Interventionist. The Therapeutic Interventionist may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the treatment without the consent or authorization of the Interventionist, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and

family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

Although the Therapeutic Interventionist will espouse collegial inter-professional relations with counsel, the Therapeutic Interventionist does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the interventionist shall be promptly reported to the court.

The Therapeutic Interventionist has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or intervention orders of the court. Such recommendations are made in writing and copied to counsel or the parties. The Therapeutic Interventionist may report non-compliance by either party or family member and may recommend appropriate sanctions for such behavior.

INFORMATION AND RECORDS

The Therapeutic Interventionist shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Therapeutic Interventionist shall have access to:

- [i] All therapists of the children and parties;
- [ii] All school and medical records of the children and parties;
- [iii] Any and all psychological testing or evaluations performed on the children or the parties (if the Therapeutic Interventionist is qualified in test interpretation);
- [iv] Any and all teachers/child care providers for the children.
- [v] Any and all additional records the Therapeutic Interventionist deems necessary and relevant to the treatment.

At the request of the Therapeutic Interventionist, each party shall execute any and all releases or consents necessary so as to authorize the Therapeutic Interventionist's access to the information contemplated herein above.

The Therapeutic Interventionist may seek information and records that are the result of a privileged relationship. The Therapeutic Interventionist shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Therapeutic Interventionist for this case stabilization.

The Therapeutic Interventionist is authorized to interview and treat the parties or child in any combination, whether initiated by the Therapeutic Interventionist or either party. If either party provides data to the Therapeutic Interventionist, the giving party shall provide the documentation or writing given to the Therapeutic Interventionist to the

opposing party and counsel (if any) simultaneous to providing it to the Therapeutic Interventionist.

The Therapeutic Interventionist has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

The Therapeutic Interventionist is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and preparing any said report.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Therapeutic Interventionist or concerning the Therapeutic Interventionist's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Therapeutic Interventionist is appointed as the court's expert. Additional rules applicable to the Therapeutic Interventionist may be ordered by the Court from time to time.

APPEARANCES

Each party reserves the right to call the Therapeutic Interventionist as a witness. If only one party believes that the Therapeutic Interventionist's testimony is necessary in addition to her written report, that party shall be responsible for 100% of the costs incurred in connection with the Therapeutic Interventionist testifying during the hearing.

The Therapeutic Interventionist may appear and may be available to testify at any court hearing upon reasonable notice to the Therapeutic Interventionist, the Court, and the opposing party, regarding any issue addressed by the Therapeutic Interventionist.

The parties' attorneys are responsible for notifying the Therapeutic Interventionist of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the clinician is unable to provide a written report prior to the scheduled hearing, the clinician will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Therapeutic Interventionist's proceedings, they shall be submitted to the Court. There will be no videotaping or audio taping of the Therapeutic Interventionist, the child or the parties without the written consent of the Therapeutic Interventionist.

IMMUNITY

The Therapeutic Interventionist shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Therapeutic Interventionist is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the

Therapeutic Interventionist shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____% of the Therapeutic Interventionist's fees and the _____ shall be responsible for and pay _____% of the Therapeutic Interventionist's fees, until further order of the Court. All fees shall be paid in advance as determined by the Therapeutic Interventionist. The Therapeutic Interventionist shall keep accurate records of services rendered and fees paid by each party.

If the Therapeutic Interventionist's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties prior to the first appointment. Payment thereafter should be made in accordance with the Therapeutic Interventionist's fee procedures. If at any point a party has not abided by the Therapeutic Interventionist's payment procedures, the Therapeutic Interventionist may contact the Court and request that the non-paying party be directed to pay in order to continue the treatment in a timely fashion.

Should the Therapeutic Interventionist determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Therapeutic Interventionist may recommend to the Court a different allocation for payment of fees.

Payment of all fees to the Interventionist may be requested by the clinician in full prior to completion of the report, if there is any cause for concern regarding non-payment of fees in this case.

The fees ordered to be paid to the Therapeutic Interventionist hereunder are considered to be in the nature of and enforceable as child support and are endorsed as an adjustment within the guidelines as more clearly set forth in the parent's worksheet for child support.

THE THERAPEUTIC INTERVENTIONIST REPORT

The Therapeutic Interventionist shall provide brief 90-day intervention summaries to the court. Copies are to be provided to the parties or counsel.

The report of the Therapeutic Interventionist may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court and counsel, unless the Therapeutic Interventionist asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case. In that instance, the Court shall make a ruling regarding dissemination.

ROLE OF THE PARTIES

The parties shall be responsible for the following:

1. Keep the Therapeutic Interventionist informed of concerns;
2. Meet the behavioral expectations outlined in the court order;
3. Meet the behavioral expectations outlined by the Therapeutic Interventionist during the course of the work;
4. Promote a healthy relationship between their children and the other parent;
5. Work toward fostering healthy familial relationships;
6. Provide the Therapeutic Interventionist with any legal, medical, scholastic and psychological records relevant to the case, upon the request of the Therapeutic Interventionist.
7. Provide the clinician with notice of all judicial proceedings affecting the children or the intervention process.

The parties shall keep the Therapeutic Interventionist advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information. This information shall be immediately communicated in writing to the Therapeutic Interventionist.

CONCERNS

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

The court finds good cause to waive the requirements of Rule 58 (d) the signing of this minute entry constitutes an enforceable order of the court.

Date

Judge of the Superior Court

REUNIFICATION THERAPIST

this appointment, the Reunification Therapist shall submit to the Court and parties or their counsel, if represented, a summary of the history of the services rendered, compliance by the parties, recommendations made, and any recommendations for future involvement of the Reunification Therapist.

ROLE OF THE REUNIFICATION THERAPIST

IT IS ORDERED *appointing* [(Reunification Therapist's name, phone # and address)] in the following role to perform the following functions:

Therapeutic Reunification Clinician

In this role, the Reunification Therapist may serve as follows:

- 1) Provide rehabilitation of a relationship between identified family members.
- 2) Identify, establish and communicate clear boundaries, behavioral expectations, and rules, in order to enhance safety and health in the family.
- 3) Make referrals for therapy as appropriate for containment of psychological or behavioral issues regarding the parents or children as needed.
- 4) Report child maltreatment pursuant to applicable child abuse reporting statutes.
- 5) Facilitate the development of, or implement a court-ordered, child-focused, schedule for access.
- 6) Facilitate conflict resolution.
- 7) Provide education and support to obviate re-litigation.
- 8) Assist family members in establishing:
 - a. Rules for healthy interaction with each other;
 - b. Rules for safe touch;
 - c. Rules for appropriate child discipline;
 - d. Rules for establishing appropriate behavioral limits;
 - e. Rules for family boundaries;
 - f. Rules for what is discussed in telephone contacts between parents and children;
 - g. Rules for behavior at exchanges;
 - h. Rules regarding who is present at exchanges and access.

THE AUTHORITY OF THE REUNIFICATION THERAPIST

The Reunification Therapist shall have the following rights and authority with regard to the minor children and family members:

The Reunification Therapist shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Reunification

Therapist shall have the authority to assess, intervene, educate and refer for treatment as deemed necessary by the expert.

The Reunification Therapist shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Expert for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed via court order.

In addition, the Reunification Therapist shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Reunification Therapist and shall further obligate the parties for any costs associated with the production of those records to the Reunification Therapist. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Reunification Therapist may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The Reunification Therapist may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Reunification Therapist from time to time.

The Reunification Therapist may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Reunification Therapist may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Reunification Therapist but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Reunification Therapist. The Reunification Therapist may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the evaluation without the consent or authorization of the Reunification Therapist, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

Although the Reunification Therapist will espouse collegial inter-professional relations with counsel, the Reunification Therapist does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the Reunification Therapist shall be promptly reported to the court.

The Reunification Therapist has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or reunification orders of the court. Such recommendations are made in writing and copied to counsel or the parties. The Reunification Therapist may report non-compliance by either party or family member and may recommend appropriate sanctions for such behavior.

INFORMATION AND RECORDS

The Reunification Therapist shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Reunification Therapist shall have access to:

1. All therapists of the children and parties;
2. All school and medical records of the children and parties;
3. Any and all psychological testing or evaluations performed on the children or the parties (if the Reunification Therapist is qualified in test interpretation);
4. Any and all teachers/child care providers for the children.
5. Any and all additional records the Reunification Therapist deems necessary and relevant to the evaluation.

At the request of the Reunification Therapist, each party shall execute any and all releases or consents necessary so as to authorize the Reunification Therapist's access to the information contemplated herein above.

The Reunification Therapist may seek information and records that are the result of a privileged relationship. The Reunification Therapist shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Reunification Therapist for this case stabilization.

The Reunification Therapist is authorized to interview and treat the parties or child in any combination, whether initiated by the Reunification Therapist or either party. If either party provides data to the Reunification Therapist, the giving party shall provide the documentation or writing given to the Reunification Therapist to the opposing party and counsel (if any) simultaneous to providing it to the Reunification Therapist.

The Reunification Therapist has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

The Reunification Therapist is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and preparing any said report.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Reunification Therapist or concerning the Reunification Therapist's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Reunification Therapist is appointed as the court's expert. Additional rules applicable to the Reunification Therapist may be ordered by the Court from time to time.

APPEARANCES

Each party reserves the right to call the Reunification Therapist as a witness. If only one party believes that the Reunification Therapist's testimony is necessary in addition to her written report, that party shall be responsible for 100% of the costs incurred in connection with the Reunification Therapist testifying during the hearing.

The Reunification Therapist may appear and may be available to testify at any court hearing upon reasonable notice to the Reunification Therapist, the Court, and the opposing party, regarding any issue addressed by the Reunification Therapist.

The parties' attorneys are responsible for notifying the Reunification Therapist of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the clinician is unable to provide a written report prior to the scheduled hearing, the clinician will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Reunification Therapist's proceedings, they shall be submitted to the Court. There will be no videotaping or audio-taping of the Reunification Therapist, the child or the parties without the written consent of the Reunification Therapist.

IMMUNITY

The Reunification Therapist shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Reunification Therapist is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Reunification Therapist shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____ % of the Reunification Therapist's fees and the _____ shall be responsible for and pay _____ % of the Reunification Therapist's fees, until further order of the Court. All fees shall be paid in advance as determined by the Reunification Therapist. The

Reunification Therapist shall keep accurate records of services rendered and fees paid by each party.

If the Reunification Therapist's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties prior to the first appointment. Payment thereafter should be made in accordance with the Reunification Therapist's fee procedures. If at any point a party has not abided by the Reunification Therapist's payment procedures, the Reunification Therapist may contact the Court and request that the non-paying party be directed to pay in order to continue the treatment in a timely fashion.

Should the Reunification Therapist determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Reunification Therapist may recommend to the Court a different allocation for payment of fees.

Payment of all fees to the Reunification Therapist may be requested by the clinician in full prior to completion of the report, if there is any cause for concern regarding non-payment of fees in this case.

The fees ordered to be paid to the Reunification Therapist hereunder are considered to be in the nature of and enforceable as child support and are endorsed as an adjustment within the guidelines as more clearly set forth in the parent's worksheet for child support.

THE REUNIFICATION THERAPIST REPORT

The Reunification Therapist shall provide brief 90-day intervention summaries to the court. Copies are to be provided to the parties or counsel.

The report of the Reunification Therapist may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court and counsel, unless the Reunification Therapist asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case. In that instance, the Court shall make a ruling regarding dissemination.

ROLE OF THE PARTIES

The parties shall be responsible for the following:

1. Keep the Reunification Therapist informed of concerns;
2. Meet the behavioral expectations outlined in the court order;
3. Meet the behavioral expectations outlined by the Reunification Therapist during the course of the work;
4. Promote a healthy relationship between their children and the other parent;
5. Work toward fostering healthy familial relationships;
6. Provide the Reunification Therapist with any legal, medical, scholastic and psychological records relevant to the case, upon the request of the Reunification Therapist.

7. Provide the clinician with notice of all judicial proceedings affecting the children or the intervention process.

The parties shall keep the Reunification Therapist advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information. This information shall be immediately communicated in writing to the Reunification Therapist.

CONCERNS

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

The court finds good cause to waive the requirements of Rule 58 (d) the signing of this minute entry constitutes an enforceable order of the court.

Date

Judge of the Superior Court

FORENSICALLY INFORMED THERAPIST

Court and parties or their counsel, if represented, a summary of the history of the services rendered, compliance by the parties, recommendations made, and any recommendations for future involvement of the Forensically Informed Therapist .

ROLE OF THE FORENSICALLY INFORMED THERAPIST

IT IS ORDERED *appointing* [(Forensically Informed Therapist's name, phone # and address)] in the following role to perform the following functions:

Forensically Informed Therapist:

In this role, the Therapist may serve as follows:

[Main goals for the appointment]

THE AUTHORITY OF THE FORENSICALLY INFORMED THERAPIST

The Forensically Informed Therapist shall have the following rights and authority with regard to the minor children and family members:

The Forensically Informed Therapist shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. This is not to suggest the Therapist should ever provide a specific parenting plan recommendation. The Forensically Informed Therapist shall have the authority to assess, intervene, educate and refer for treatment as deemed necessary by the expert.

The Forensically Informed Therapist shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Expert for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed via court order.

In addition, the Forensically Informed Therapist shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Forensically Informed Therapist and shall further obligate the parties for any costs associated with the production of those records to the Forensically Informed Therapist. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Forensically Informed Therapist may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The Forensically Informed Therapist may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Forensically Informed Therapist from time to time.

The Forensically Informed Therapist may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Forensically Informed Therapist may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Forensically Informed Therapist but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Forensically Informed Therapist. The Forensically Informed Therapist may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the evaluation without the consent or authorization of the Therapist, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

Although the Forensically Informed Therapist will espouse collegial inter-professional relations with counsel, the Forensically Informed Therapist does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the Therapist shall be promptly reported to the court.

The Forensically Informed Therapist has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or reunification orders of the court. Such recommendations are made in writing and copied to counsel or the parties. The Forensically Informed Therapist may report non-compliance by either party or family member and may recommend appropriate sanctions for such behavior.

INFORMATION AND RECORDS

The Forensically Informed Therapist shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Forensically Informed Therapist shall have access to:

- 1) All therapists of the children and parties;
- 2) All school and medical records of the children and parties;
- 3) Any and all psychological testing or evaluations performed on the children or the parties (if the Forensically Informed Therapist is qualified in test interpretation);

- 4) Any and all teachers/child care providers for the children.
- 5) Any and all additional records the Forensically Informed Therapist deems necessary and relevant to the evaluation.

At the request of the Forensically Informed Therapist, each party shall execute any and all releases or consents necessary so as to authorize the Forensically Informed Therapist's access to the information contemplated herein above.

The Forensically Informed Therapist may seek information and records that are the result of a privileged relationship. The Forensically Informed Therapist shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Forensically Informed Therapist for this case stabilization.

The Forensically Informed Therapist is authorized to interview and treat the parties or child in any combination, whether initiated by the Forensically Informed Therapist or either party. If either party provides data to the Forensically Informed Therapist, the giving party shall provide the documentation or writing given to the Forensically Informed Therapist to the opposing party and counsel (if any) simultaneous to providing it to the Forensically Informed Therapist.

The Forensically Informed Therapist has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

The Forensically Informed Therapist is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and preparing any said report.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Forensically Informed Therapist or concerning the Forensically Informed Therapist's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Forensically Informed Therapist is appointed as the court's expert. Additional rules applicable to the Forensically Informed Therapist may be ordered by the Court from time to time.

APPEARANCES

Each party reserves the right to call the Forensically Informed Therapist as a witness. If only one party believes that the Forensically Informed Therapist's testimony is necessary in addition to her written report, that party shall be responsible for 100% of the costs incurred in connection with the Forensically Informed Therapist testifying during the hearing.

The Forensically Informed Therapist may appear and may be available to testify at any court hearing upon reasonable notice to the Forensically Informed Therapist, the

Court, and the opposing party, regarding any issue addressed by the Forensically Informed Therapist.

The parties' attorneys are responsible for notifying the Forensically Informed Therapist of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the clinician is unable to provide a written report prior to the scheduled hearing, the clinician will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Forensically Informed Therapist's proceedings, they shall be submitted to the Court. There will be no videotaping or audio-taping of the Forensically Informed Therapist, the child or the parties without the written consent of the Forensically Informed Therapist.

IMMUNITY

The Forensically Informed Therapist shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Forensically Informed Therapist is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Forensically Informed Therapist shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____ % of the Forensically Informed Therapist 's fees and the _____ shall be responsible for and pay _____ % of the Forensically Informed Therapist 's fees, until further order of the Court. All fees shall be paid in advance as determined by the Forensically Informed Therapist. The Forensically Informed Therapist shall keep accurate records of services rendered and fees paid by each party.

If the Forensically Informed Therapist's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties prior to the first appointment. Payment thereafter should be made in accordance with the Forensically Informed Therapist's fee procedures. If at any point a party has not abided by the Forensically Informed Therapist's payment procedures, the Forensically Informed Therapist may contact the Court and request that the non-paying party be directed to pay in order to continue the treatment in a timely fashion.

Should the Forensically Informed Therapist determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Forensically Informed Therapist may recommend to the Court a different allocation for payment of fees.

Payment of all fees to the Therapist may be requested by the clinician in full prior to completion of the report, if there is any cause for concern regarding non-payment of fees in this case.

The fees ordered to be paid to the Forensically Informed Therapist hereunder are considered to be in the nature of and enforceable as child support and are endorsed as an adjustment within the guidelines as more clearly set forth in the parent's worksheet for child support.

THE FORENSICALLY INFORMED THERAPIST REPORT

The Forensically Informed Therapist shall provide brief 90-day intervention summaries to the court. Copies are to be provided to the parties or counsel.

The report of the Forensically Informed Therapist may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court and counsel, unless the Forensically Informed Therapist asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case. In that instance, the Court shall make a ruling regarding dissemination.

ROLE OF THE PARTIES

The parties shall be responsible for the following:

- 1) Keep the Forensically Informed Therapist informed of concerns;
- 2) Meet the behavioral expectations outlined in the court order;
- 3) Meet the behavioral expectations outlined by the Forensically Informed Therapist during the course of the work;
- 4) Promote a healthy relationship between their children and the other parent;
- 5) Work toward fostering healthy familial relationships;
- 6) Provide the Forensically Informed Therapist with any legal, medical, scholastic and psychological records relevant to the case, upon the request of the Forensically Informed Therapist.
- 7) Provide the clinician with notice of all judicial proceedings affecting the children or the intervention process.

The parties shall keep the Forensically Informed Therapist advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information. This information shall be immediately communicated in writing to the Forensically Informed Therapist.

CONCERNS

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

The court finds good cause to waive the requirements of Rule 58 (d) the signing of this minute entry constitutes an enforceable order of the court.

Date

Judge of the Superior Court

THERAPEUTIC SUPERVISOR

- 2) Facilitate the development of, or implement a court-ordered, child-focused, schedule for access.
- 3) Facilitate conflict resolution.
- 4) Assist family members in establishing:
 - a. Healthy interaction/communication with each other;
 - b. Appropriate child discipline;
 - c. Appropriate personal/emotional boundaries;
 - d. Appropriate behavioral limits;
 - e. Appropriate behavior at exchanges (parent/child(ren)).

TERM:

The Therapeutic Supervisor is appointed for a term of _____ months, subject to (1) reappointment at the expiration thereof upon the Court's own motion, the request of the Therapeutic Supervisor or motion of either party; or (2) earlier removal by court order based upon motion showing good cause, stipulation of the parties, or resignation by the Therapeutic Supervisor. Sixty (60) days prior to the expiration of this appointment, the Therapeutic Supervisor shall submit to the Court and parties or their counsel, if represented, a summary of the history of the services rendered, compliance by the parties, recommendations made, and any recommendations for future involvement of the Therapeutic Supervisor.

THE AUTHORITY OF THE THERAPEUTIC SUPERVISOR:

The Therapeutic Supervisor shall have the following rights and authority with regard to the minor children and family members:

The Therapeutic Supervisor shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Therapeutic Supervisor shall have the authority to assess, intervene, educate and refer for treatment as deemed necessary by the expert.

The Therapeutic Supervisor shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Expert for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed via court order.

In addition, the Therapeutic Supervisor shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Therapeutic Supervisor and shall further obligate the parties for any costs associated with the production of those records to the Therapeutic Supervisor. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Therapeutic Supervisor may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or

psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The Therapeutic Supervisor may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Therapeutic Supervisor from time to time.

The Therapeutic Supervisor may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Therapeutic Supervisor may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Therapeutic Supervisor but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Therapeutic Supervisor. The Therapeutic Supervisor may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the evaluation without the consent or authorization of the Therapeutic Supervisor, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

Although the Therapeutic Supervisor will espouse collegial inter-professional relations with counsel, the Therapeutic Supervisor does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the Therapeutic Supervisor shall be promptly reported to the court.

The Therapeutic Supervisor has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or reunification orders of the court. Such recommendations are made in writing and copied to counsel or the parties. The Therapeutic Supervisor may report non-compliance by either party or family member and may recommend appropriate sanctions for such behavior.

INFORMATION AND RECORDS:

The Therapeutic Supervisor shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Therapeutic Supervisor shall have access to:

- 1) All therapists of the children and parties;
- 2) All school and medical records of the children and parties;

- 3) Any and all psychological testing or evaluations performed on the children or the parties (if the Therapeutic Supervisor is qualified in test interpretation);
- 4) Any and all teachers/child care providers for the children.
- 5) Any and all additional records the Therapeutic Supervisor deems necessary and relevant to the evaluation.

At the request of the Therapeutic Supervisor, each party shall execute any and all releases or consents necessary so as to authorize the Therapeutic Supervisor's access to the information contemplated herein above.

The Therapeutic Supervisor may seek information and records that are the result of a privileged relationship. The Therapeutic Supervisor shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Therapeutic Supervisor for this case stabilization.

The Therapeutic Supervisor is authorized to interview and treat the parties or child in any combination, whether initiated by the Therapeutic Supervisor or either party. If either party provides data to the Therapeutic Supervisor, the giving party shall provide the documentation or writing given to the Therapeutic Supervisor to the opposing party and counsel (if any) simultaneous to providing it to the Therapeutic Supervisor.

The Therapeutic Supervisor has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

The Therapeutic Supervisor is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and preparing any said report.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Therapeutic Supervisor or concerning the Therapeutic Supervisor's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Therapeutic Supervisor is appointed as the court's expert. Additional rules applicable to the Therapeutic Supervisor may be ordered by the Court from time to time.

APPEARANCES

Each party reserves the right to call the Therapeutic Supervisor as a witness. If only one party believes that the Therapeutic Supervisor's testimony is necessary in addition to her written report, that party shall be responsible for 100% of the costs incurred in connection with the Therapeutic Supervisor testifying during the hearing.

The Therapeutic Supervisor may appear and may be available to testify at any court hearing upon reasonable notice to the Therapeutic Supervisor, the Court, and the opposing party, regarding any issue addressed by the Therapeutic Supervisor.

The parties' attorneys are responsible for notifying the Therapeutic Supervisor of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the clinician is unable to provide a written report prior to the scheduled hearing, the clinician will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Therapeutic Supervisor's proceedings, they shall be submitted to the Court. There will be no videotaping or audio-taping of the Therapeutic Supervisor, the child or the parties without the written consent of the Therapeutic Supervisor.

IMMUNITY

The Therapeutic Supervisor shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Therapeutic Supervisor is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Therapeutic Supervisor shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____ % of the Therapeutic Supervisor's fees and the _____ shall be responsible for and pay _____ % of the Therapeutic Supervisor's fees, until further order of the Court. All fees shall be paid in advance as determined by the Therapeutic Supervisor. The Therapeutic Supervisor shall keep accurate records of services rendered and fees paid by each party.

If the Therapeutic Supervisor's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties prior to the first appointment. Payment thereafter should be made in accordance with the Therapeutic Supervisor's fee procedures. If at any point a party has not abided by the Therapeutic Supervisor's payment procedures, the Therapeutic Supervisor may contact the Court and request that the non-paying party be directed to pay in order to continue the treatment in a timely fashion.

Should the Therapeutic Supervisor determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Therapeutic Supervisor may recommend to the Court a different allocation for payment of fees.

Payment of all fees to the Therapeutic Supervisor may be requested by the clinician in full prior to completion of the report, if there is any cause for concern regarding non-payment of fees in this case.

The fees ordered to be paid to the Therapeutic Supervisor hereunder are considered to be in the nature of and enforceable as child support and are endorsed as an

adjustment within the guidelines as more clearly set forth in the parent's worksheet for child support.

THE THERAPEUTIC SUPERVISOR REPORT

The Therapeutic Supervisor shall provide brief 90-day intervention summaries to the court. Copies are to be provided to the parties or counsel.

The report of the Therapeutic Supervisor may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court and counsel, unless the Therapeutic Supervisor asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case. In that instance, the Court shall make a ruling regarding dissemination.

ROLE OF THE PARTIES

The parties shall be responsible for the following:

- 1) Keep the Therapeutic Supervisor informed of concerns;
- 2) Meet the behavioral expectations outlined in the court order;
- 3) Meet the behavioral expectations outlined by the Therapeutic Supervisor during the course of the work;
- 4) Promote a healthy relationship between their children and the other parent;
- 5) Work toward fostering healthy familial relationships;
- 6) Provide the Therapeutic Supervisor with any legal, medical, scholastic and psychological records relevant to the case, upon the request of the Therapeutic Supervisor.
- 7) Provide the supervisor with notice of all judicial proceedings affecting the children or the supervision process.

The parties shall keep the Therapeutic Supervisor advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information. This information shall be immediately communicated in writing to the Therapeutic Supervisor.

CONCERNS

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not

believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

The court finds good cause to waive the requirements of Rule 58 (d) the signing of this minute entry constitutes an enforceable order of the court.

Date

Judge of the Superior Court

CO-PARENTING THERAPIST

SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

In re the	of:	)	Case No.
)	
	Petitioner,	)	Order to Appoint a Therapeutic
and)	Interventionist (Co-Parenting
)	Therapist)
	Respondent)	(The Honorable)
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ORDER APPOINTING A THERAPEUTIC INTERVENTIONIST

Co-Parenting Therapist

1. Upon order of the court, [*Therapeutic Interventionist's name, phone # and address*] is appointed pursuant to Arizona Revised Statutes Section 25-405 - Interviews by court; professional assistance:

A. The court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation.

B. The court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The advice given shall be in writing and shall be made available by the court to counsel, upon request, under such terms as the court determines. Counsel may examine as a witness any professional personnel consulted by the court, unless such right is waived.

The Therapeutic Interventionist shall serve pursuant to applicable case law, rules of court, local rules, domestic relations rules, rules of civil procedure, uniform rules, and with behavior consistent with the Ethical Standards of his/her licensing board.

It is understood that Therapeutic Interventionist for the purpose of co-parenting is an intervention aimed at supporting a healthy co-parenting relationship. The intervention is typically designed for cases of improved communication and co-parenting, yet is useful in a broad array of family law circumstances.

TERM

The Therapeutic Interventionist is appointed for a term of 12 months subject to (1) reappointment at the expiration thereof upon the Court's own motion, the request of the Therapeutic Interventionist or motion of either party; or (2) earlier removal by court order based upon motion showing good cause, stipulation of the parties, or resignation by the Therapeutic Interventionist. Sixty (60) days prior to the expiration of this appointment, the Therapeutic Interventionist shall submit to the Court and parties or their counsel, if represented, a summary of the history of the services rendered, compliance by the parties, recommendations made, and any recommendations for future involvement of the Therapeutic Interventionist.

ROLE OF THE THERAPEUTIC INTERVENTIONIST

In this role, the interventionist may serve as follows:

- 1) Provide treatment to improve communication and co-parenting skills between parents involved in a divorce.
- 2) Provide rehabilitation of a relationship between identified family members.
- 3) Identify, establish and communicate clear boundaries, behavioral expectations, and rules, in order to enhance safety and health in the family.
- 4) Make referrals for therapy as appropriate for containment of psychological or behavioral issues regarding the parents or children as needed.
- 5) Report child maltreatment pursuant to applicable child abuse reporting statutes.
- 6) Facilitate the development of, or implement a court-ordered, child-focused, schedule for access.
- 7) Facilitate conflict resolution.
- 8) Provide education and support to obviate re-litigation.
- 9) Assist family members in establishing:
 - a. Rules for healthy interaction with each other;
 - b. Rules for safe touch;
 - c. Rules for appropriate child discipline;
 - d. Rules for establishing appropriate behavioral limits;
 - e. Rules for family boundaries;
 - f. Rules for what is discussed in telephone contacts between parents and children;
 - g. Rules for behavior at exchanges;
 - h. Rules regarding who is present at exchanges and access.

THE AUTHORITY OF THE THERAPEUTIC INTERVENTIONIST

The Therapeutic Interventionist shall have the following rights and authority with regard to the minor children and family members:

The Therapeutic Interventionist shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Therapeutic Interventionist shall have the authority to assess, intervene, educate and refer for treatment as deemed necessary by the expert.

The Therapeutic Interventionist shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Expert for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed via court order.

In addition, the Therapeutic Interventionist shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information

requested by the Therapeutic Interventionist and shall further obligate the parties for any costs associated with the production of those records to the Therapeutic Interventionist. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Therapeutic Interventionist may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The Therapeutic Interventionist may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Therapeutic Interventionist from time to time.

The Therapeutic Interventionist may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Therapeutic Interventionist may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Therapeutic Interventionist but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Therapeutic Interventionist. The Therapeutic Interventionist may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the treatment without the consent or authorization of the Interventionist, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

Although the Therapeutic Interventionist will espouse collegial inter-professional relations with counsel, the Therapeutic Interventionist does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the interventionist shall be promptly reported to the court.

The Therapeutic Interventionist has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or intervention orders of the court. Such recommendations are made in writing and copied to counsel or the parties. The Therapeutic Interventionist may report non-compliance by either party or family member and may recommend appropriate sanctions for such behavior.

INFORMATION AND RECORDS

The Therapeutic Interventionist shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Therapeutic Interventionist shall have access to:

- [i] All therapists of the children and parties;
- [ii] All school and medical records of the children and parties;
- [iii] Any and all psychological testing or evaluations performed on the children or the parties (if the Therapeutic Interventionist is qualified in test interpretation);
- [iv] Any and all teachers/child care providers for the children.
- [v] Any and all additional records the Therapeutic Interventionist deems necessary and relevant to the treatment.

At the request of the Therapeutic Interventionist, each party shall execute any and all releases or consents necessary so as to authorize the Therapeutic Interventionist's access to the information contemplated herein above.

The Therapeutic Interventionist may seek information and records that are the result of a privileged relationship. The Therapeutic Interventionist shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Therapeutic Interventionist for this case stabilization.

The Therapeutic Interventionist is authorized to interview and treat the parties or child in any combination, whether initiated by the Therapeutic Interventionist or either party. If either party provides data to the Therapeutic Interventionist, the giving party shall provide the documentation or writing given to the Therapeutic Interventionist to the opposing party and counsel (if any) simultaneous to providing it to the Therapeutic Interventionist.

The Therapeutic Interventionist has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

The Therapeutic Interventionist is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and preparing any said report.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Therapeutic Interventionist or concerning the Therapeutic Interventionist's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Therapeutic Interventionist is

appointed as the court's expert. Additional rules applicable to the Therapeutic Interventionist may be ordered by the Court from time to time.

APPEARANCES

Each party reserves the right to call the Therapeutic Interventionist as a witness. If only one party believes that the Therapeutic Interventionist's testimony is necessary in addition to her written report, that party shall be responsible for 100% of the costs incurred in connection with the Therapeutic Interventionist testifying during the hearing.

The Therapeutic Interventionist may appear and may be available to testify at any court hearing upon reasonable notice to the Therapeutic Interventionist, the Court, and the opposing party, regarding any issue addressed by the Therapeutic Interventionist.

The parties' attorneys are responsible for notifying the Therapeutic Interventionist of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the clinician is unable to provide a written report prior to the scheduled hearing, the clinician will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Therapeutic Interventionist's proceedings, they shall be submitted to the Court. There will be no videotaping or audio taping of the Therapeutic Interventionist, the child or the parties without the written consent of the Therapeutic Interventionist.

IMMUNITY

The Therapeutic Interventionist shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Therapeutic Interventionist is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Therapeutic Interventionist shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____% of the Therapeutic Interventionist's fees and the _____ shall be responsible for and pay _____% of the Therapeutic Interventionist's fees, until further order of the Court. All fees shall be paid in advance as determined by the Therapeutic Interventionist. The Therapeutic Interventionist shall keep accurate records of services rendered and fees paid by each party.

If the Therapeutic Interventionist's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties prior to the first appointment. Payment thereafter should be made in accordance with the Therapeutic

Interventionist's fee procedures. If at any point a party has not abided by the Therapeutic Interventionist's payment procedures, the Therapeutic Interventionist may contact the Court and request that the non-paying party be directed to pay in order to continue the treatment in a timely fashion.

Should the Therapeutic Interventionist determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Therapeutic Interventionist may recommend to the Court a different allocation for payment of fees.

Payment of all fees to the Interventionist may be requested by the clinician in full prior to completion of the report, if there is any cause for concern regarding non-payment of fees in this case.

The fees ordered to be paid to the Therapeutic Interventionist hereunder are considered to be in the nature of and enforceable as child support and are endorsed as an adjustment within the guidelines as more clearly set forth in the parent's worksheet for child support.

THE THERAPEUTIC INTERVENTIONIST REPORT

The Therapeutic Interventionist shall provide brief 90-day intervention summaries to the court. Copies are to be provided to the parties or counsel.

The report of the Therapeutic Interventionist may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court and counsel, unless the Therapeutic Interventionist asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case. In that instance, the Court shall make a ruling regarding dissemination.

ROLE OF THE PARTIES

The parties shall be responsible for the following:

1. Keep the Therapeutic Interventionist informed of concerns;
2. Meet the behavioral expectations outlined in the court order;
3. Meet the behavioral expectations outlined by the Therapeutic Interventionist during the course of the work;
4. Promote a healthy relationship between their children and the other parent;
5. Work toward fostering healthy familial relationships;
6. Provide the Therapeutic Interventionist with any legal, medical, scholastic and psychological records relevant to the case, upon the request of the Therapeutic Interventionist.
7. Provide the Interventionist with notice of all judicial proceedings affecting the children or the intervention process.

The parties shall keep the Therapeutic Interventionist advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information.

This information shall be immediately communicated in writing to the Therapeutic Interventionist.

CONCERNS

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

The court finds good cause to waive the requirements of Rule 58 (d) the signing of this minute entry constitutes an enforceable order of the court.

Dated this day of , 200

Judge of the Superior Court

FAMILY THERAPIST

SUPERIOR COURT OF THE STATE OF ARIZONA
FOR THE COUNTY OF MARICOPA

In re the	of:	)	Case No.
)	
	Petitioner,)	Order to Appoint a Therapeutic
and)	Interventionist (Family Therapist)
)	(The Honorable)
	Respondent)	
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ORDER APPOINTING A THERAPEUTIC INTERVENTIONIST

Family Therapist

1. Upon order of the court, [*Therapeutic Interventionist's name, phone # and address*] is appointed pursuant to Arizona Revised Statutes Section 25-405 - Interviews by court; professional assistance:

A. The court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation.

B. The court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The advice given shall be in writing and shall be made available by the court to counsel, upon request, under such terms as the court determines. Counsel may examine as a witness any professional personnel consulted by the court, unless such right is waived.

The Therapeutic Interventionist shall serve pursuant to applicable case law, rules of court, local rules, domestic relations rules, rules of civil procedure, uniform rules, and with behavior consistent with the Ethical Standards of his/her licensing board.

It is understood that Therapeutic Interventionist for the purpose of family therapist is an intervention aimed at developing healthy dynamics between family members. The intervention is typically designed for cases of improved communication and adjusting to changes in family dynamics, yet is useful in a broad array of family law circumstances.

TERM

The Therapeutic Interventionist is appointed for a term of 12 months subject to (1) reappointment at the expiration thereof upon the Court's own motion, the request of the Therapeutic Interventionist or motion of either party; or (2) earlier removal by court order based upon motion showing good cause, stipulation of the parties, or resignation by the Therapeutic Interventionist. Sixty (60) days prior to the expiration of this appointment, the Therapeutic Interventionist shall submit to the Court and parties or their counsel, if represented, a summary of the history of the services rendered, compliance by the parties, recommendations made, and any recommendations for future involvement of the Therapeutic Interventionist.

ROLE OF THE THERAPEUTIC INTERVENTIONIST

In this role, the interventionist may serve as follows:

- 1) Provide treatment to improve the family functioning as a unit. The family is the client, therefore, the Interventionist identifies the problems, formulates multiple hypotheses for the problems and implements treatment strategies to improve the family's functioning.
- 2) Provide rehabilitation of relationships between family members.
- 3) Identify, establish and communicate clear boundaries, behavioral expectations, and rules, in order to enhance safety and health in the family.
- 4) Make referrals if a parent(s) or child(ren) need individual therapy.
- 5) Coordinate any individual therapy for family members.
- 6) Report child maltreatment pursuant to applicable child abuse reporting statutes.
- 7) Consider other treatment goals or referral for other treatment goals including but not limited to:
 - a. Facilitate the development of, or implement a court-ordered, child-focused, schedule for access.
 - b. Facilitate conflict resolution.
 - c. Provide education and support to obviate re-litigation.
 - d. Assist family members in establishing:
 - i. Rules for healthy interaction with each other;
 - ii. Rules for safe touch;
 - iii. Rules for appropriate child discipline;
 - iv. Rules for establishing appropriate behavioral limits;
 - v. Rules for family boundaries;
 - vi. Rules for what is discussed in telephone contacts between parents and children;
 - vii. Rules for behavior at exchanges;
 - viii. Rules regarding who is present at exchanges and access.

THE AUTHORITY OF THE THERAPEUTIC INTERVENTIONIST

The Therapeutic Interventionist shall have the following rights and authority with regard to the minor children and family members:

The Therapeutic Interventionist shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Therapeutic Interventionist shall have the authority to assess, intervene, educate and refer for treatment as deemed necessary by the expert.

The Therapeutic Interventionist shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Expert for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed via court order.

In addition, the Therapeutic Interventionist shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Therapeutic Interventionist and shall further obligate the parties for any costs associated with the production of those records to the Therapeutic Interventionist. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Therapeutic Interventionist may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The Therapeutic Interventionist may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Therapeutic Interventionist from time to time.

The Therapeutic Interventionist may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Therapeutic Interventionist may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Therapeutic Interventionist but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Therapeutic Interventionist. The Therapeutic Interventionist may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the treatment without the consent or authorization of the Interventionist, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

Although the Therapeutic Interventionist will espouse collegial inter-professional relations with counsel, the Therapeutic Interventionist does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the interventionist shall be promptly reported to the court.

The Therapeutic Interventionist has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or intervention orders of the court. Such recommendations are made in writing and copied to counsel or the parties. The Therapeutic Interventionist

may report non-compliance by either party or family member and may recommend appropriate sanctions for such behavior.

INFORMATION AND RECORDS

The Therapeutic Interventionist shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Therapeutic Interventionist shall have access to:

- [i] All therapists of the children and parties;
- [ii] All school and medical records of the children and parties;
- [iii] Any and all psychological testing or evaluations performed on the children or the parties (if the Therapeutic Interventionist is qualified in test interpretation);
- [iv] Any and all teachers/child care providers for the children.
- [v] Any and all additional records the Therapeutic Interventionist deems necessary and relevant to the treatment.

At the request of the Therapeutic Interventionist, each party shall execute any and all releases or consents necessary so as to authorize the Therapeutic Interventionist's access to the information contemplated herein above.

The Therapeutic Interventionist may seek information and records that are the result of a privileged relationship. The Therapeutic Interventionist shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Therapeutic Interventionist for this case stabilization.

The Therapeutic Interventionist is authorized to interview and treat the parties or child in any combination, whether initiated by the Therapeutic Interventionist or either party. If either party provides data to the Therapeutic Interventionist, the giving party shall provide the documentation or writing given to the Therapeutic Interventionist to the opposing party and counsel (if any) simultaneous to providing it to the Therapeutic Interventionist.

The Therapeutic Interventionist has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

The Therapeutic Interventionist is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and preparing any said report.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Therapeutic Interventionist or concerning the Therapeutic Interventionist's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Therapeutic Interventionist is appointed as the court's expert. Additional rules applicable to the Therapeutic Interventionist may be ordered by the Court from time to time.

APPEARANCES

Each party reserves the right to call the Therapeutic Interventionist as a witness. If only one party believes that the Therapeutic Interventionist's testimony is necessary in addition to her written report, that party shall be responsible for 100% of the costs incurred in connection with the Therapeutic Interventionist testifying during the hearing.

The Therapeutic Interventionist may appear and may be available to testify at any court hearing upon reasonable notice to the Therapeutic Interventionist, the Court, and the opposing party, regarding any issue addressed by the Therapeutic Interventionist.

The parties' attorneys are responsible for notifying the Therapeutic Interventionist of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the clinician is unable to provide a written report prior to the scheduled hearing, the clinician will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Therapeutic Interventionist's proceedings, they shall be submitted to the Court. There will be no videotaping or audio taping of the Therapeutic Interventionist, the child or the parties without the written consent of the Therapeutic Interventionist.

IMMUNITY

The Therapeutic Interventionist shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Therapeutic Interventionist is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Therapeutic Interventionist shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

FEES

IT IS FURTHER ORDERED the _____ shall be responsible for and pay _____% of the Therapeutic Interventionist's fees and the _____ shall be responsible for and pay _____% of the Therapeutic Interventionist's fees, until further order of the Court. All fees shall be paid in advance as determined by the Therapeutic Interventionist. The Therapeutic Interventionist shall keep accurate records of services rendered and fees paid by each party.

If the Therapeutic Interventionist's fee policies include the payment of a retainer, said retainer should be paid by responsible party/parties prior to the first appointment. Payment thereafter should be made in accordance with the Therapeutic Interventionist's fee procedures. If at any point a party has not abided by the Therapeutic Interventionist's payment procedures, the Therapeutic Interventionist may contact the Court and request that the non-paying party be directed to pay in order to continue the treatment in a timely fashion.

Should the Therapeutic Interventionist determine that one of the parties is using his/her services unnecessarily and is thereby causing greater expense for the other party as a result thereof, the Therapeutic Interventionist may recommend to the Court a different allocation for payment of fees.

Payment of all fees to the Interventionist may be requested by the clinician in full prior to completion of the report, if there is any cause for concern regarding non-payment of fees in this case.

The fees ordered to be paid to the Therapeutic Interventionist hereunder are considered to be in the nature of and enforceable as child support and are endorsed as an adjustment within the guidelines as more clearly set forth in the parent's worksheet for child support.

THE THERAPEUTIC INTERVENTIONIST REPORT

The Therapeutic Interventionist shall provide brief 90-day intervention summaries to the court. Copies are to be provided to the parties or counsel.

The report of the Therapeutic Interventionist may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court and counsel, unless the Therapeutic Interventionist asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case. In that instance, the Court shall make a ruling regarding dissemination.

ROLE OF THE PARTIES

The parties shall be responsible for the following:

- 1) Keep the Therapeutic Interventionist informed of concerns;
- 2) Meet the behavioral expectations outlined in the court order;
- 3) Meet the behavioral expectations outlined by the Therapeutic Interventionist during the course of the work;
- 4) Promote a healthy relationship between their children and the other parent;
- 5) Work toward fostering healthy familial relationships;
- 6) Provide the Therapeutic Interventionist with any legal, medical, scholastic and psychological records relevant to the case, upon the request of the Therapeutic Interventionist.

- 7) Provide the clinician with notice of all judicial proceedings affecting the children or the intervention process.

The parties shall keep the Therapeutic Interventionist advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information. This information shall be immediately communicated in writing to the Therapeutic Interventionist.

CONCERNS

Any alleged impropriety or unethical conduct by the Provider shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed professional during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed professional is notified by his/her licensing board that a complaint has been filed against the appointed professional in this case, the appointed professional may notify the Court that a complaint has been filed against the appointed professional if he or she does not believe the party or litigant informed the Court as described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

The court finds good cause to waive the requirements of Rule 58 (d) the signing of this minute entry constitutes an enforceable order of the court.

Dated this day of , 200

Judge of the Superior Court

**STUDENT UNDER SUPERVISION
APPOINTMENT ORDER**

In re the	of:	)	Case No.
)	
Petitioner,		)	Order to Appoint a Therapeutic
and		)	Interventionist (Family Therapist)
		)	under supervision
Respondent		)	(The Honorable)
<hr/>)	

ORDER APPOINTING A THERAPEUTIC INTERVENTIONIST UNDER SUPERVISION

1. Upon order of the court, *[Graduate Student Therapeutic Interventionist's name, phone # and address]* is appointed as a co-parenting therapist. It is understood that the Interventionist is not currently licensed and will be supervised by *[Graduate Student's supervisor, phone # and address]*. All provisions within this order apply to both the Interventionist and the supervisor. The individuals are appointed pursuant to Arizona Revised Statutes Section 25-405 - Interviews by court; professional assistance.

A. The court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation.

B. The court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The advice given shall be in writing and shall be made available by the court to counsel, upon request, under such terms as the court determines. Counsel may examine as a witness any professional personnel consulted by the court, unless such right is waived.

The Therapeutic Interventionist shall serve pursuant to applicable case law, rules of court, local rules, domestic relations rules, rules of civil procedure, uniform rules, and with behavior consistent with the Ethical Standards of his/her licensing board.

It is understood that Therapeutic Interventionist for the purpose of family therapist is an intervention aimed at developing healthy dynamics between family members. The intervention is typically designed for cases of improved communication and adjusting to changes in family dynamics, yet is useful in a broad array of family law circumstances.

TERM

The Therapeutic Interventionist is appointed for a term of 12 months subject to (1) reappointment at the expiration thereof upon the Court's own motion, the request of the Therapeutic Interventionist or motion of either party; or (2) earlier removal by court order based upon motion showing good cause, stipulation of the parties, or resignation by the Therapeutic Interventionist. Sixty (60) days prior to the expiration of this appointment, the Therapeutic Interventionist shall submit to the Court and parties or their counsel, if represented, a summary of the history of the services

rendered, compliance by the parties, recommendations made, and any recommendations for future involvement of the Therapeutic Interventionist.

ROLE OF THE THERAPEUTIC INTERVENTIONIST

In this role, the interventionist may serve as follows:

- 1) Provide treatment to improve communication and co-parenting skills between parents involved in a divorce.
- 2) Provide rehabilitation of a relationship between identified family members.
- 3) Identify, establish and communicate clear boundaries, behavioral expectations, and rules, in order to enhance safety and health in the family.
- 4) Make referrals for therapy as appropriate for containment of psychological or behavioral issues regarding the parents or children as needed.
- 5) Report child maltreatment pursuant to applicable child abuse reporting statutes.
- 6) Facilitate the development of, or implement a court-ordered, child-focused, schedule for access.
- 7) Facilitate conflict resolution.
- 8) Provide education and support to obviate re-litigation.
- 9) Assist family members in establishing:
 - a. Rules for healthy interaction with each other;
 - b. Rules for safe touch;
 - c. Rules for appropriate child discipline;
 - d. Rules for establishing appropriate behavioral limits;
 - e. Rules for family boundaries;
 - f. Rules for what is discussed in telephone contacts between parents and children;
 - g. Rules for behavior at exchanges;
 - h. Rules regarding who is present at exchanges and access.

THE AUTHORITY OF THE THERAPEUTIC INTERVENTIONIST

The Therapeutic Interventionist shall have the following rights and authority with regard to the minor children and family members:

The Therapeutic Interventionist shall serve as an expert for the court in order to provide data and opinions relevant to the care of, custody of and access to the minor children in this case pursuant to applicable Arizona Statutes and case law. The Therapeutic Interventionist shall have the authority to assess, intervene, educate and refer for treatment as deemed necessary by the expert.

The Therapeutic Interventionist shall have: (a) Reasonable access to the children and family members with 24-hour notice and (b) Reasonable access to all treating clinicians, medical doctors, educators, day care providers, and health care professionals with 24-hour notice. The parties shall immediately comply with any requests by the Expert for documentation or further evaluation such as random drug testing through TASC, substance use assessment by a licensed medical doctor, or any other form of assessment unless otherwise instructed via court order.

In addition, the Therapeutic Interventionist shall be *promptly* provided all records, reports, and documents requested and shall receive the cooperation of all parties and counsel involved to ensure that the report is submitted on the date requested. This Stipulation shall act as a release by the parties of all information requested by the Therapeutic Interventionist and shall further obligate the parties for any costs associated with the production of those records to the Therapeutic Interventionist. Any such costs shall be paid promptly and by the party/parties as outlined in this order.

The Therapeutic Interventionist may request that the parties and/or children participate in adjunct services, to be provided by third parties, including but not limited to physical or psychological examinations, assessment, psychotherapy, co-parenting work, or alcohol and drug monitoring/testing. The Court shall allocate between the parties the cost of any adjunct service.

The Therapeutic Interventionist may communicate ex-parte with the Court regarding procedural issues. The Court may order additional rules applicable to the Therapeutic Interventionist from time to time.

The Therapeutic Interventionist may seek guidance from the Court in order to achieve clarity with regard to the procedural aspects of the intervention should disputes arise. If the litigant[s] is/are Pro Per, the Therapeutic Interventionist may communicate with the judge regarding how to proceed.

The attorneys may not engage in ex-parte communications regarding substantive issues with the Therapeutic Interventionist but rather communications shall be conducted personally or through conference calls, unless otherwise determined by the court. Procedural issues and scheduling may be discussed at the discretion of the Therapeutic Interventionist. The Therapeutic Interventionist may choose to communicate with counsel about procedural issues and may refrain from discussing material originating in the intervention sessions at his/her discretion.

No other clinicians (therapists, psychologists, social workers) are to work on this case during the course of the treatment without the consent or authorization of the Interventionist, unless otherwise authorized by court order.

All information gathered for the pending legal proceeding is restricted for use by the Family Court, neither the parties nor their representatives (to include friends and family members) may disseminate the report, testimony or transcripts to any other source without a court order authorizing release of information.

Although the Therapeutic Interventionist will espouse collegial inter-professional relations with counsel, the Therapeutic Interventionist does not have to report to the attorneys and any threats or intimidation by counsel or the parties toward the interventionist shall be promptly reported to the court.

The Therapeutic Interventionist has the authority to make recommendations regarding implementation, clarification, amendment and enforcement of any temporary or permanent treatment or intervention orders of the court. Such recommendations are made in writing and copied to counsel or the parties. The Therapeutic Interventionist

may report non-compliance by either party or family member and may recommend appropriate sanctions for such behavior.

INFORMATION AND RECORDS

The Therapeutic Interventionist shall be provided copies of all minute entries, orders and pleadings filed in this case.

The Therapeutic Interventionist shall have access to:

- [i] All therapists of the children and parties;
- [ii] All school and medical records of the children and parties;
- [iii] Any and all psychological testing or evaluations performed on the children or the parties (if the Therapeutic Interventionist is qualified in test interpretation);
- [iv] Any and all teachers/child care providers for the children.
- [v] Any and all additional records the Therapeutic Interventionist deems necessary and relevant to the treatment.

At the request of the Therapeutic Interventionist, each party shall execute any and all releases or consents necessary so as to authorize the Therapeutic Interventionist's access to the information contemplated herein above.

The Therapeutic Interventionist may seek information and records that are the result of a privileged relationship. The Therapeutic Interventionist shall request only the records and information that are necessary and pertinent to further the purpose of this case stabilization. The possessor of the records and information will release relevant information in an effort to retain the integrity of the privileged relationship, yet cooperate with the needs of the Therapeutic Interventionist for this case stabilization.

The Therapeutic Interventionist is authorized to interview and treat the parties or child in any combination, whether initiated by the Therapeutic Interventionist or either party. If either party provides data to the Therapeutic Interventionist, the giving party shall provide the documentation or writing given to the Therapeutic Interventionist to the opposing party and counsel (if any) simultaneous to providing it to the Therapeutic Interventionist.

The Therapeutic Interventionist has the right to determine, in his or her professional opinion, the information that he or she deems significant and relevant to the legal matter and the procedures necessary to obtain that information.

The Therapeutic Interventionist is permitted to consult with or exchange information with professionals and other collateral informants he or she deems appropriate in conducting this intervention and preparing any said report.

CONFIDENTIALITY

There is **no confidentiality** relating to the parties' communications with/to the Therapeutic Interventionist or concerning the Therapeutic Interventionist's activities, treatment, referrals, data collection or recommendations. This court order constitutes a complete waiver of doctor-patient privilege, as the Therapeutic Interventionist is appointed as the court's expert. Additional rules applicable to the Therapeutic Interventionist may be ordered by the Court from time to time.

APPEARANCES

Each party reserves the right to call the Therapeutic Interventionist as a witness. If only one party believes that the Therapeutic Interventionist's testimony is necessary in addition to her written report, that party shall be responsible for 100% of the costs incurred in connection with the Therapeutic Interventionist testifying during the hearing.

The Therapeutic Interventionist may appear and may be available to testify at any court hearing upon reasonable notice to the Therapeutic Interventionist, the Court, and the opposing party, regarding any issue addressed by the Therapeutic Interventionist.

The parties' attorneys are responsible for notifying the Therapeutic Interventionist of any changes the attorneys make in the originally scheduled hearing date. If, due to extenuating circumstances, the clinician is unable to provide a written report prior to the scheduled hearing, the clinician will notify the attorneys and the court, specifying when the report shall be completed.

If transcripts, tape recordings or videotapes have been made of any portions of the Therapeutic Interventionist's proceedings, they shall be submitted to the Court. There will be no videotaping or audio taping of the Therapeutic Interventionist, the child or the parties without the written consent of the Therapeutic Interventionist.

IMMUNITY

The Therapeutic Interventionist shall act in the capacity of a special master in his/her capacity pursuant to this Order, and as such, the Therapeutic Interventionist is cloaked with applicable judicial immunity consistent with Arizona case law applicable to quasi-judicial officers of the Court as to all actions undertaken pursuant to the Court appointment and this Order. Any alleged impropriety or unethical conduct by the Therapeutic Interventionist shall be brought to the attention of the Court in writing, prior to the submission of such complaints to any administrative bodies. Professional conduct within the scope of this court order shall not be deemed unprofessional conduct by the court or any administrative body.

FEES

Given the circumstances of this case, there are no expected fees related to this appointment. The supervising professional has agreed to provide services by the graduate student therapist on a pro bono basis.

THE THERAPEUTIC INTERVENTIONIST REPORT

The Therapeutic Interventionist shall provide brief 90-day intervention summaries to the court. Copies are to be provided to the parties or counsel.

The report of the Therapeutic Interventionist may be received in evidence without the necessity of any foundation and without the objection to hearsay statements contained therein or any other objection. It is agreed that the report shall be delivered to the Court and counsel, unless the Therapeutic Interventionist asserts extraordinary extenuating circumstances, including but not limited to imminent life threat or the potential for serious harm to a person related to the case. In that instance, the Court shall make a ruling regarding dissemination.

ROLE OF THE PARTIES

The parties shall be responsible for the following:

- 1) Keep the Therapeutic Interventionist informed of concerns;
- 2) Meet the behavioral expectations outlined in the court order;
- 3) Meet the behavioral expectations outlined by the Therapeutic Interventionist during the course of the work;
- 4) Promote a healthy relationship between their children and the other parent;
- 5) Work toward fostering healthy familial relationships;
- 6) Provide the Therapeutic Interventionist with any legal, medical, scholastic and psychological records relevant to the case, upon the request of the Therapeutic Interventionist.
- 7) Provide the clinician with notice of all judicial proceedings affecting the children or the intervention process.

The parties shall keep the Therapeutic Interventionist advised of their and the child(ren)'s addresses, telephone numbers for home, work and school, mailing address if different than the living address, as well as any other pertinent information. This information shall be immediately communicated in writing to the Therapeutic Interventionist.

CONCERNS

Any alleged impropriety or unethical conduct by the appointed supervisor or appointed supervisee shall be brought to the attention of the Court in writing within 7 days after that party has determined that such conduct has occurred. Failure to advise the Court as required above may result in contempt proceedings being initiated against the complaining party and that party's attorney.

If any party or attorney on behalf of a party files a licensing complaint against the appointed supervisor or appointed supervisee during the pendency of this case, that party shall notify the Court within 3 business days that the licensing complaint has been filed. If the appointed supervisor or appointed supervisee is notified by his/her licensing board that a complaint has been filed against the appointed supervisor or appointed supervisee in this case, the appointed supervisor or appointed supervisee may notify the Court that a complaint has been filed against the appointed supervisor or appointed supervisee if he or she does not believe the party or litigant informed the Court as

described above. Pursuant to order of this Court, sanctions shall be imposed upon any party who fails to provide such notification to this Court as ordered.

As the Court is concerned about the appointed supervisor's or appointed supervisee's ability to effectively carry out appointment duties, the Court may review any licensing complaint to determine whether the complaint inappropriately hindered the appointed supervisor's or appointed supervisee's role and the Court's process. If the Court determines the complainant has acted in a way to hinder the legal process, the Court may choose to sanction the complainant.

The court finds good cause to waive the requirements of Rule 58 (d) the signing of this minute entry constitutes an enforceable order of the court.

Dated this day of , 200

Judge of the Superior Court