

FILED
GARY L. HARRISON
CLERK
21 APR 27 PM 4:04

IN THE SUPERIOR COURT

IN AND FOR THE COUNTY OF PIMA

IN THE MATTER OF:
THE ADMINISTRATION OF FUNDS
FOR THERAPEUTIC SUPERVISED
PARENTING TIME IN FAMILY LAW
CASES

S. MAY, DEPUTY CLERK
ADMINISTRATIVE ORDER
2021- 17
(replaces Administrative Order 2012-19)

WHEREAS A.R.S. § 25-410 requires that, in family law cases, if either parent requests the order, or if all contestants agree to the order, or if the court finds that in the absence of the order the child's physical health would be endangered or the child's emotional development would be significantly impaired, and if the court finds that the best interests of the child would be served, the court shall order a local social service agency to exercise continuing supervision over the case to assure that the custodial or parenting time terms of the decree are carried out.

WHEREAS, Rule 95(a)-(b) of the Arizona Rules of Family Law Procedure allows the court to take reasonable measures to protect the parties in a family law case and their children from harm, including, but not limited to therapeutic supervised parenting time, and requires the court to determine whether the parties have the ability to pay for services as well as allocate the costs of those services;

NOW, THEREFORE, IT IS ORDERED establishing the following policies, rules, limitations and requirements pursuant to which the judicial officers of the Superior Court presiding over family law matters may direct initial and limited therapeutic parenting time services to be provided by a qualified social service agency or qualified private therapist with the costs for such services to be paid for by the parties and/or the court as outlined in this administrative order.

A. Proper Purposes for Ordering Therapeutic Supervised Parenting Time

The Court may order therapeutic supervised parenting time for parties in family law cases in which the judicial officer determines that initial therapeutic supervised parenting time is necessary to enable an ongoing relationship between the non-custodial parent and child by impartially observing their contact in a safe and structured environment. If ordered, services provided are an intake for each parent, three therapeutic supervised parenting time sessions, and a report prepared by the licensed mental health professional.

Situations in which therapeutic supervised parenting time would be appropriate include high-conflict families who are at risk for domestic violence, physical or verbal abuse, and parents with a history of very poor parenting skills.

The Court may order therapeutic supervised parenting time to accomplish any of the following:

1. Help to introduce a child(ren) and parent or to reunite a child(ren) and parent. Therapeutic supervised parenting time can be a part of reunification therapy but should not be used in place of it;
2. Establish appropriate parental behavior as it allows a safe and educational learning experience for the non-custodial parent, intervening and correcting behavior, therefore teaching the parent appropriate parenting skills by using a mental health professional;
3. Evaluate any potential hazards regarding visitation (i.e. high-conflict, family violence, child abuse and neglect, including child sexual abuse, substance abuse);
4. Address grief and loss associated with parental separation and removal from the home due to child abuse and neglect;
5. Provide parenting skills and encouragement;
6. Provide therapeutic intervention and modeling to improve the parent-child interaction (i.e. cases involving threats to abscond with the child, have a history of severe parental alienation or restrictive gatekeeping);
7. Provide counseling. Therapeutic supervised parenting time is not a substitute for psychotherapy for either the child(ren) and/or non-custodial parent/guardian.
8. Advocate for the child(ren) involved and assure them of their safety; and/or
9. Provide assessment information to the Court.

The licensed mental health professional who is providing the initial therapeutic supervised parenting time shall prepare a written report that demonstrates a parent's commitment or readiness for treatment and may include a professional opinion about parent/child readiness to enter the next phase of treatment and/or parenting time.

B. Allocation of Costs for Initial Therapeutic Supervised Parenting Time

By no later than June 30 of each year, the Presiding Judge of the Family Law Division shall establish a Therapeutic Fund budget for each judicial officer assigned to the Family Law trial bench for the upcoming fiscal year. Judicial officers may allocate their budgeted funds on a case-by-case basis consistent with this Administrative Order. If a judicial officer does not fully utilize the Therapeutic Fund allocation in any fiscal year, the unused balance will not rollover.

The cost of initial therapeutic supervised parenting time will be established by the Presiding Judge of the Family Law Division.

1. Co-Pays: A valuable component of treatment is the parents' commitment to therapy, including ability and willingness to pay a portion of the cost of services. As such, each

parent must pay in the mandatory co-pays. Unless the judicial officer authorizes payment of a parent's co-pay from the Expedited Fund as provided in Administrative Order 2020-36, the judicial officer shall require every parent to pay that parent's co-pay, or allocate the cost of co-pays between the parties. Co-pays shall not be paid by the Therapeutic Fund.

2. Cost-Sharing: The Court will not pay for more than three (3) completed therapeutic sessions. If additional therapeutic services are required for the case, any additional therapeutic supervised services beyond the initial intakes and the three (3) therapeutic sessions outlined above shall be paid for by the parties as ordered by the Court, or by the Court under the Expedited Fund as provided in Administrative Order 2020-36.

At the time of ordering initial therapeutic supervised parenting time, the judicial officer shall base any allocation of costs, beyond co-pays, based upon the child(ren)'s best interests, the reasons why therapeutic sessions are required, the submitted financial affidavits, sworn testimony, or the parents' agreements regarding the parents' financial resources, and any other facts the judicial officer finds relevant. The judicial officer shall make specific findings on the record concerning the parents' ability to pay for services. The allocation of costs shall be documented in the Order for Participation in Initial Therapeutic Parenting Time.

Unless the Court finds good cause to deviate from the following cost-sharing guidelines, the Court shall allocate the cost of services, beyond co-pays, consistent with the following and subject to each family law division's annual Therapeutic Fund budget,

- a. If the Court finds that both parents' incomes are greater than 225% of the current U.S. Poverty Guidelines as established by the U.S. Department of Health and Human Services, the Court shall allocate the cost of services between the parents, and shall not allocate the cost of services to the Therapeutic Fund.
- b. If both parties are unable to pay for the full cost of services, and
 - i. if the Court finds that both parents are permanently unable to pay or are receiving benefits pursuant to the supplemental security income program (42 U.S.C. §§ 1381 through 1385), the Court may allocate the cost of services to the Therapeutic Fund;
 - ii. if the Court finds that both parents' incomes are less than 150% of the current U.S. Poverty Guidelines as established by the U.S. Department of Health and Human Services, the Court may allocate the cost of services to the Therapeutic Fund;
 - iii. if the Court finds that a parent's income is greater than 150%, but less than 175%, of the current U.S. Poverty Guidelines, the Court shall allocate some cost of services to that parent and may allocate some cost of services to the Therapeutic Fund; or

- iv. if the Court finds that a parent's income is greater than 175% of the current U.S. Poverty Guidelines, the Court shall allocate at least 25% of the cost of services to that parent and may allocate some cost of services to the Therapeutic Fund.

These cost-sharing guidelines do not limit the judicial officer's discretion to reallocate costs between the parties at a later date.

If a Family Law Division has exhausted its Therapeutic Fund budget, the judicial officer may allocate the cost of services, beyond co-pays, to the Expedited Fund subject to the Administrative Order 2020-36, including the per-family aggregate expenditure limits and any applicable annual allotment to that Family Law Division.

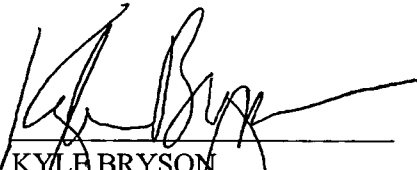
C. Administration of Fund

The Presiding Judge of the Family Law Division shall be responsible for the administration of the Therapeutic Fund, consistent with the foregoing rules, limitations, and requirements, and subject to the overall authority, supervision, and control of the Presiding Judge of the Superior Court in Pima County.

The Presiding Judge of the Family Law Division shall review the budget and costs annually during the fourth quarter of the fiscal year, and make any necessary adjustments via memorandum to the Presiding Judge, members of the Family Law bench, and Court Administration. If no adjustments are made, no communication will be necessary.

The effective date of this Administrative Order is July 1, 2021.

Dated this 27th day of April, 2021


KYLE BRYSON
PRESIDING JUDGE

cc:

Ron Overholt, Court Administrator
Hon. Greg Sakall, Presiding Family Law Judge
All Family Law Judicial Officers
Conciliation Court