

Representative Tim M. Cosgrove proposes the following substitute bill:

**CUSTODY EVALUATION AND PARENT
COORDINATION**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim M. Cosgrove

Senate Sponsor: Scott D. McCoy

LONG TITLE

General Description:

This bill creates the Child Custody Evaluation Act and the Parent Coordination Act.

Highlighted Provisions:

This bill:

▶ creates the Child Custody Evaluation Act, which:

- sets standards for education and training of child custody evaluators;
- requires the Administrative Office of the Courts to maintain a list of qualified child custody evaluators;

- requires the court in a divorce, separation, or child custody matter to select an evaluator from the Administrative Office of the Courts' list; and

- allows the court to divide the evaluator's fees equitably between the parties; and

▶ creates the Parent Coordination Act, which:

- sets standards for education and training of parent coordinators;
- requires the Administrative Office of the Courts to maintain a list of qualified parent coordinators;

- sets standards for decision-making responsibilities of parent coordinators;

- requires the court to specify a time period for the parent coordinator; and



26 • allows the court to divide the coordinator's fees equitably between the parties.

27 **Monies Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill takes effect on July 1, 2009.

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **30-10-101**, Utah Code Annotated 1953

34 **30-10-102**, Utah Code Annotated 1953

35 **30-10-103**, Utah Code Annotated 1953

36 **30-10-104**, Utah Code Annotated 1953

37 **30-10-105**, Utah Code Annotated 1953

38 **30-10-106**, Utah Code Annotated 1953

39 **30-11-101**, Utah Code Annotated 1953

40 **30-11-102**, Utah Code Annotated 1953

41 **30-11-103**, Utah Code Annotated 1953

42 **30-11-104**, Utah Code Annotated 1953

43 **30-11-105**, Utah Code Annotated 1953

44 **30-11-106**, Utah Code Annotated 1953



46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **30-10-101** is enacted to read:

48 **CHAPTER 10. CHILD CUSTODY EVALUATION ACT**

49 **30-10-101. Title.**

50 This chapter is known as the "Child Custody Evaluation Act."

51 Section 2. Section **30-10-102** is enacted to read:

52 **30-10-102. Definitions.**

53 As used in this chapter:

54 (1) "Custody evaluation" means a process where information is gathered by a custody
55 evaluator from parties to a divorce, separation, or custody proceeding which is used to provide
56 the court with information it can use to make decisions regarding custody and parenting time

57 arrangements that are in the child's best interest.

58 (2) "Custody evaluator" means a person who performs custody evaluations.

59 (3) "Party" means either the petitioner or respondent, or their respective attorneys, in an
60 action for separation, divorce, or custody of a minor child.

61 Section 3. Section **30-10-103** is enacted to read:

62 **30-10-103. Qualifications and training.**

63 (1) Subject to meeting the educational, training, and continuing education requirements
64 in Subsection (2), the following persons may conduct custody evaluations in response to a
65 request from a court:

66 (a) social workers with the designation of Licensed Clinical Social Worker or
67 equivalent license by the state in which they practice;

68 (b) doctoral level psychologists who are licensed by the state in which they practice;

69 (c) physicians who are board certified in psychiatry and are licensed by the state in
70 which they practice; or

71 (d) marriage and family therapists who hold the designation of Licensed Marriage and
72 Family Therapist or equivalent license by the state in which they practice.

73 (2) Licensed professionals in Subsection (1) shall have:

74 (a) a minimum of a master's degree in a mental health field that includes:

75 (i) formal education and training in child development, child and adult
76 psychopathology, interviewing techniques, and family systems; and

77 (ii) by formal education or by supervised work experience, advanced knowledge of the
78 complexities of the divorce or separation process, a working knowledge of the legal issues in
79 divorce or separation, and an understanding of the legal, social, familial, and cultural issues
80 involved in custody decisions;

81 (b) initial training totaling a minimum of 12 hours, and eight hours annually of
82 continuing education, specific to custody evaluation; and

83 (c) at least 24 hours of initial training, and 16 hours annually of continuing education,
84 on domestic violence.

85 Section 4. Section **30-10-104** is enacted to read:

86 **30-10-104. Court responsibilities.**

87 (1) The Administrative Office of the Courts shall maintain an approved list of custody

88 evaluators who have met the qualifications in Section 30-10-103.

89 (2) If the court determines that a custody evaluator is needed in an action, the court
90 shall appoint an evaluator from a list of court-approved evaluators.

91 (3) A child custody evaluator appointed in accordance with this chapter may not also
92 be appointed as a special master in accordance with URCP 53 or a parenting coordinator
93 appointed in accordance with Title 30, Chapter 11, Parent Coordination Act, in an action
94 involving the same parties.

95 (4) All custody evaluations shall be conducted in accordance with Code of Judicial
96 Administration, Rule 4-903.

97 Section 5. Section **30-10-105** is enacted to read:

98 **30-10-105. Custody evaluator responsibilities.**

99 A custody evaluator shall:

100 (1) accept cases referred by the court without regard to the financial situation of the
101 parties;

102 (2) review with each party the custody evaluator's policies and procedures, including
103 fees, for conducting an evaluation;

104 (3) provide the court with copies of all written documentation and reports; and

105 (4) note in the final report provided to the court, any missing or incomplete
106 information.

107 Section 6. Section **30-10-106** is enacted to read:

108 **30-10-106. Fees and costs.**

109 (1) A child custody evaluator shall provide to the parties and the court an itemized
110 accounting of all amounts charged.

111 (2) The court shall consider the financial situation of both parties in determining
112 payment for the custody evaluator's services, and make a final determination on the record of
113 the amounts each party is responsible for paying.

114 Section 7. Section **30-11-101** is enacted to read:

115 **CHAPTER 11. PARENT COORDINATION ACT**

116 **30-11-101. Title.**

117 This chapter shall be known as the "Parent Coordination Act."

118 Section 8. Section **30-11-102** is enacted to read:

119 **30-11-102. Definitions.**

120 As used in this chapter:

121 (1) "Parent coordinator" means a person appointed by the court to minimize trauma to
122 the children of divorce by resolving custody-related disputes between the parents within the
123 scope of the court's order.

124 (2) "Party" means the petitioner, respondent, or their respective attorneys in an action
125 for separation, divorce, or child custody.

126 Section 9. Section **30-11-103** is enacted to read:

127 **30-11-103. Qualifications and training.**

128 (1) Subject to meeting the educational and training requirements in Subsection (2), the
129 following persons may be appointed by a court as a parent coordinator:

130 (a) a doctoral level psychologist who is licensed by the state in which they practice;

131 (b) a legal professional who is licensed by the state in which they practice;

132 (c) a certified family mediator with a master's degree in a mental health field; or

133 (d) social workers with the designation of Licensed Clinical Social Worker or
134 equivalent license by the state in which they practice;

135 (2) Parent coordinators shall have:

136 (a) formal training or advanced knowledge in child development, child and adult
137 psychopathology, interviewing techniques, and family systems;

138 (b) advanced knowledge of the complexities of the divorce or separation process, a
139 working knowledge of the legal issues in divorce or separation, and an understanding of the
140 legal, social, familial, and cultural issues involved in a proceeding relating to child custody;

141 (c) advanced experience and knowledge in family mediation, and, preferably, be a
142 certified family mediator according to court rule;

143 (d) advanced experience with high conflict or litigating parents;

144 (e) a minimum of 40 hours of initial training which includes training in parent
145 coordination, family dynamics in separation and divorce, domestic violence, child abuse, and
146 court specific parenting procedures; and

147 (f) an additional 20 hours of specialized training which includes maintenance of
148 professional competence in the parenting coordination process.

149 Section 10. Section **30-11-104** is enacted to read:

150 **30-11-104. Court responsibilities.**

151 (1) The Administrative Office of the Courts shall maintain an approved list of parent
152 coordinators who have met the qualifications in this chapter.

153 (2) If the court determines that a parent coordinator is needed, the court, after
154 consultation with both parties, shall appoint a coordinator from the list maintained by the
155 Administrative Office of the Courts.

156 (3) A parent coordinator may decline appointment if the case is beyond the parent
157 coordinator's skill or expertise.

158 (4) The court order appointing a parent coordinator shall:

159 (a) require the coordinator to work with the parties in order to create workable
160 solutions to disputes that will, in time, lessen the need for a parent coordinator;

161 (b) allow the coordinator to make recommendations and decisions necessary to allow
162 as little disruption in the children's home and routine as possible, yet carry out specific court
163 orders regarding parent-time; and

164 (c) provide a term of service for the parent coordinator, including start and end dates.

165 (5) Upon the expiration of the parent coordinator's term of service, one or both parents
166 may request the coordinator continue for additional time. The court shall determine whether
167 the coordinator may continue and set a specific length of time if the decision is made to
168 continue the coordinator.

169 (6) If one parent requests additional time and the other parent declines, the court shall
170 determine the matter.

171 Section 11. Section **30-11-105** is enacted to read:

172 **30-11-105. Parent coordinator responsibilities.**

173 (1) The parent coordinator's primary role is to assist the parties impartially to work out
174 disagreements regarding their children to minimize conflict.

175 (2) The parent coordinator shall report suspected child abuse or neglect to the proper
176 agency.

177 (3) The parent coordinator shall communicate decisions in a timely manner in person
178 or by fax, e-mail, or telephone. In the event decisions are provided orally, a written version
179 shall follow in a timely manner.

180 (4) The parent coordinator shall discuss with both parties all policies, procedures, fees,

181 and standards for decision-making. In addition, each party shall be given a copy of the court's
182 order to the coordinator.

183 (5) A parent coordinator may not serve in multiple roles in the same case.

184 (6) The parent coordinator shall make every effort to avoid conflicts of interest and
185 shall disclose any conflicts to the court and all parties involved in the case.

186 (7) The parent coordinator shall provide a report to the court at intervals determined by
187 the court, and a final report upon the expiration of the coordinator's term.

188 Section 12. Section **30-11-106** is enacted to read:

189 **30-11-106. Fees and costs.**

190 (1) The parent coordinator shall provide to the court and the parties an itemized
191 accounting of all amounts charged.

192 (2) The court shall make an initial determination of each party's share of the parent
193 coordinator's fees. It shall consider the financial situation of both parties in determining
194 payment for the parent coordinator's services. Upon the termination of the parent coordinator's
195 services, the court shall make a final determination on the record of any outstanding amounts
196 each party is responsible for paying.

197 Section 13. **Effective date.**

198 This bill takes effect on July 1, 2009.

H.B. 169 1st Sub. (Buff) - Custody Evaluation and Parent Coordination

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will require ongoing General Funds to the Courts of \$19,500.

	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2010 Approp.</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>	<u>FY 2010 Revenue</u>
General Fund	\$0	\$19,500	\$19,500	\$0	\$0	\$0
Total	\$0	\$19,500	\$19,500	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.