

FREE FAMILY COURT CLINIC

Presented by Family Services of the Conciliation Court

During this 90 minute presentation, you will have the opportunity to learn about filing for divorce, separation, child support or parenting time. You will also learn techniques for co-parenting and how to protect children from the negative effects of divorce and separation. Court forms will be reviewed and helpful resources provided to help you and your family through this difficult time.

**Last Thursday of the Month
6 PM to 7:30 PM
Central Arizona College, Signal Peak Campus**

Attorneys will be presenting legal information. However, we **CANNOT** provide legal advice regarding your case.

Please RSVP to: mediator-pinal@courts.az.gov or call 520-866-7349

NOTIFICATION REGARDING CONCILIATION COURT SERVICES FOR ALL FAMILY COURT PARTICIPANTS

I. What is Conciliation Court?

Family Services of the Conciliation Court was instituted in Arizona in 1962, initially to provide counseling when couples wanted to consider reconciliation instead of getting divorced. Conciliation Court now also provides mediation so couples may separate or divorce without conflict, as well as Family Assessments, Child Interviews, Parent Coordination, Parent Education, Early Resolution Conferences and Same Day Resolution. ARS 25-381.01 says *"The mission of Conciliation Court is to promote the public welfare by preserving, promoting and protecting family life and the institution of matrimony; to protect the rights of children and to provide means for the reconciliation of spouses and the amicable settlement of domestic and family controversies."*

II. On the Court Petition/Response, it says "We have tried to resolve our problems through Conciliation Services or going to Conciliation Services would not work." What does that mean?

As stated above, Conciliation Court was instituted in Arizona to "preserve, promote and protect family life and the institution of matrimony..." This question is asking petitioner and respondent to consider whether counseling may help save the marriage. Conciliation Court provides up to 3 sessions of counseling for free. If one or both parties wishes to attempt counseling before getting divorced, counseling may be requested by completing the petition online, calling FSCC at 520-866-7349 or going to Family Services of the Conciliation Court or the Clerk's office.

III. I've been a parent for many years. Why do I have to take a Parent Education class?

In Arizona, whenever someone files a Domestic Relations matter involving children (Petition for Dissolution, Paternity, etc.) both parties are required to attend a Parent Education class. In Pinal County, Local Rule requires that parties attend the class in person. Our classes are interactive; most participants discover they enjoy the class and learn something new from the instructor or other parents.

ARS 25-352 says *"In an action ... in which a party has requested that the court determine custody, specific parenting time or child support, the court shall order the parties to complete an educational program as prescribed by this article."*

IV. Why do we have to go to mediation? What is mediation?

In Pinal County, there is an expectation of mandatory mediation in all cases involving children. Parties may request mediation with an online form or by calling 520-866-7349. In mediation, parties - usually parents, but occasionally grandparents or other family members - have a conversation with the guidance of an impartial mediator about parenting time arrangements. In mediation, plans for parenting are made by the parties, not by the Judge or mediator. Mediation is a confidential process, except when there are allegations of child abuse or neglect or threats to harm one's self or another. Mediators are mandatory reporters. Mediators do not provide legal advice or make recommendations.

Family Law Rules for Pinal County, Rule 4.2 states, *"All domestic relations actions which involve a controversy over custody and visitation (parenting time and legal decision-making) of minor children shall be subject to mediation regarding such issues."* Also see Arizona Rules of Family Law Procedure, Rule 66, 67 and 68.

V. What is confidentiality and what Conciliation Court services are NOT confidential?

Confidentiality is a promise that the mediator will not discuss what was said in mediation and will not report conversations or recommendations to the judge. It also means the mediator may not be called as a witness to repeat what was said in mediation. However, confidentiality DOES NOT apply to admissions or allegations of child abuse, neglect of the child, domestic violence incidents viewed or heard by a child, threats or allegations of physical harm to one's self or another person, or admissions or allegations of substance or alcohol abuse when it endangers the well-being of a child. Evaluative services such as Same Day Resolution, Accelerated Assessment, Family Assessment, Child Interview and Parent Coordination are NOT CONFIDENTIAL; anything a party or child says may be reported to the Court and recommendations may be made.

VI. What is informed consent?

For all evaluative services, parties will be asked to sign informed consent forms. By signing the form, parties acknowledge and consent to the rules regarding these services, including the expectation of good faith participation, joint and individual interviews, focus on best interests of the child, no legal advice provided, reports being provided to the Judge, and that evaluative services are NOT confidential. The form will be provided to parties prior to the service and must be signed before proceeding.

VII. What does the court, the Judge or Conciliation Court mean by "the best interest of the child"?

By law, decisions about parenting time and legal decision-making must be made in consideration of the child's "best interests" or what is best for the child. To make this decision, judges examine such factors as the relationship of each child to parent, siblings and extended family; the child's school, home and community environment; the age, maturity and wishes of the child; how well the parents interact and encourage the child's relationships with the other parent; whether a parent is trying to delay the court's decision; domestic violence, child abuse and/or neglect, and the mental and physical health of all parties involved.

ARS 25-403 states, *"The court shall determine legal decision-making and parenting time, either originally or on petition for modification, in accordance with the best interests of the child. The court shall consider all factors that are relevant to a child's physical and emotional well-being, including..."* Judges consider all factors listed.

VII. What is the role of attorneys in mediation or evaluative services (Same Day Resolution, Family Assessment or Expedited Services)?

Attorneys do not participate in most Conciliation Court services, including Mediation, Family or Accelerated assessment, Same Day Resolution or Expedited Services. Attorneys may opt to participate in Early Resolution Conferences. The mediator or evaluator will not provide legal advice and does not advocate for either person. Even in evaluative services, Conciliation Court evaluators strive to be impartial and neutral. We respect the role of attorneys; parties may consult with their attorney at any time during a session. Parties are advised to consult with an attorney for personal advice, a strategy to handle the case, to have a confidential discussion about the situation and to review agreements before signing. See Arizona Rules of Family Law Procedure, Rule 68.