

FOR THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY
FAMILY COURT DEPARTMENT
Policies And Procedures
Service Provider Rosters

Date: January 29, 1999

I. PURPOSE AND METHOD

The purpose of the Family Court Department Service Provider Rosters is to make available to the public and judicial officers the names, qualifications, and other important information about professionals in the community who can provide professional assistance with various aspects of a domestic relations case. The Court program consists of the following features:

- A. Court Rosters:** Court lists of persons who have expertise in matters related to Domestic Relations cases and from which judicial officer, parties, attorneys, and others may select a professional to assist with the resolution of some aspect of a domestic relations court case.
- B. Service Providers:** Persons who meet the Court's qualifications and other requirements for inclusion on the Court's lists.
- C. Publication of and Access to the Court Rosters:** Information from the Court Rosters may be available to the public at large through hard copy, the Internet, and a telephone auto-attendant and interactive voice response system. The Registration Form might be considered public record. Court Rosters are created to help litigants and judicial officers with matters related to Domestic Relations cases, but are available to all court users and members of the public for any reason. The application for inclusion on a court roster may be available to the public.

II. OPERATION AND RESPONSIBILITY

The Court will establish, operate, and maintain the Court Rosters in accordance with these Policies and Procedures. Service Providers will be responsible for costs of operating their own services.

The Court assumes no responsibility for the quality of the professional services of individual Service Providers on the Court Rosters. Persons who meet the qualifications and conditions of participation for the Court Rosters shall qualify for enrollment on the Court Rosters. Service providers are not agents of the Court, and all services and activities of the Service providers are conducted independently of the Court.

III. ELIGIBILITY FOR AND ENROLLMENT ON A ROSTER

- A. Eligibility.** Eligibility for participation on an individual Court Roster is determined by the Court. All Service Providers for each Court Roster must meet the qualifications and the conditions of participation for individual court roster applicable to the services he or she provides.
- B. Conditions for Participation on the Rosters Are:**

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1. **Application:** To complete the Roster Registration Form, and all applicable subparts for each Court Roster on which the Service Provider may wish to enroll;
 2. **Compliance:** To agree to comply with these Policies and Procedures, including all revisions and to remain in good standing on the Court Roster by continuing to comply with these Policies and Procedures.
 3. **Verification:** To submit third party verification of documentation as required;
 4. **Orientation, training, and information:** To attend the Court Orientation Program for the particular Roster on which the Provider wishes to be enrolled, and periodic additional Court training sessions, or to supply additional information to the Court as may be required from time to time;
 5. **Conduct:** To treat all persons who contact the Service Provider through the Court Roster in a professional and courteous manner;
 6. **Pro bono service:** To provide pro bono service if required for participation on the applicable provider list.
- C. Court Review of Applications and Notification of Status.** The court will review all applications for a court roster and approve those applicants who meet all qualifications and conditions of participation. All applicants will be notified in writing of the court's decision. Approved applicants will be added to the court's list.
- D. Problem Reporting and Resolution.** Service Providers shall inform the Court of problems arising from the Court Roster system or these Policies and Procedures, and work with the Court through the Presiding Judge of the Domestic Relations department or his/her designee to solve such problems.
- IV. ROSTER PROCEDURES**
- A. Information about Service Providers:** Information about Service Providers that will be available to Court users, including parties and judicial officers, may include all information required to be completed on the Registration Form and/or any subparts.
- B. Order of Listing on Rosters:** Service Providers will be listed at any given time on the Court Rosters in random order. Roster users may conduct a search based on subject area of practice, geographic location, suitability of services offered, and cost of the service.
- C. Selection of a Provider:** Selection of providers will be according to the requirements on the applicable provider list. The parties or their counsel who choose or are ordered to obtain a particular service may by stipulation select any Provider from the list. A judicial officer will

not recommend or select specific Providers, except for good cause, such as inability of parties to cooperate in the selection of a Provider, need for specialized service that is unique to a particular provider, etc.

- D. Acceptance of Clients:** It is the decision of the individual Service Provider to accept or reject any client. Service Providers must advise prospective clients about the type and scope of specific services offered, the charge for the services, and any material conditions of service delivery.
- E. Terms of and Responsibility for Service Delivery.** All arrangements for appointments, cancellations, payment of fees, termination of service, and other related matters of service quality and delivery are between the Service Provider and the client. The Court is not responsible for any aspect of the service delivery.
- F. Fees for Provider Services.** All discussion of fees for professional services, determination of specific fees, written agreements on fees to be paid are the responsibility of the individual Service Provider and the service recipient. The Court will not determine appropriateness of any fee for a service unless the court on its own motion or upon request of the provider or service recipient renders a judgment regarding fees.
- G. Fee Collection.** The Court assumes no responsibility for the collection of fees owing to individual Service Providers as a result of services to persons who contacted the Providers after viewing the Court roster, except as stated in the paragraph above. Procedures such as written fee agreements to assist with payment of fees to a Service Provider are the responsibility of the individual Service Provider.
- H. Keeping Roster Information Current.** The Service Provider is responsible to provide the Court with changes in Service Provider information that differs from information submitted on the Registration Form. The Service Provider shall notify the Court in writing of such changes within 15 working days of the date the changes occur; the Court will make the changes on the Roster within 15 judicial days of the date of the notification. The Court at its option may from time to time require all providers on the roster as a group to update information submitted on the Registration Form as a condition to continued inclusion on the roster.
- V. CONTINUATION, WITHDRAWAL, COMPLAINTS, SUSPENSION, REMOVAL AND REINSTATEMENT.**

Providers will continue to be included on the court list unless they withdraw, are suspended, or are removed by the court with appropriate notice and opportunity to be heard.

- A. Continuation:** The court will periodically review the provider lists to determine whether a provider continues to meet all applicable qualifications and conditions of participation. Providers may be asked to update their registration or provide additional information at the time of the annual review.

- B. Withdrawal:** A Provider may withdraw from enrollment on a Court Roster upon written notice to the Presiding Judge of the Domestic Relations department or his/her designee
- C. Requests For Relief:** the court in its discretion will review, investigate, and make recommendations regarding the disposition of complaints from applicants, roster participants, court users, judicial officers, or others who have a complaint about the services of a service provider. Complaints shall be filed with the court and disposed of by the judicial officer assigned to the matter, shall be in writing, and shall and show on their face that copies were provided to the provider and to all parties or counsel.

A complaint, charge or report that a Service Provider has violated these Policies and Procedures, or has violated the ethical standards of their individual professional code, or has acted in such manner as to adversely reflect on his/her fitness to serve members of the public in a professional manner consistent with the purposes of the Court Rosters, will be reviewed by the Court to determine whether the Provider may remain on the Roster. The court may also forward the complaint to appropriate regulating agency(ies).

All complaints against a Service Provider will be retained by the Court for further reference as appropriate in the discretion of the Court

- D. Removal and Reinstatement:** The court will send a written notice of removal to a provider who does not continue to meet criteria for participation on the roster. The Departmental Presiding Judge may reinstate a provider at his or her discretion.
- E. Suspension:** Instead of removal, the court may suspend a Provider from participation on the Court Roster while corrective action is taken such as training or observation that might or might not include peer review/supervision.

VI. RECORDS AND REPORTS

- A. Record Retention:** The Court will establish records and record-keeping procedures to reflect the operations of the Rosters.
- B. Publication of Roster Information:** The Court may provide information regarding the Rosters to organizations with an interest in these services such as the Arizona Supreme Court, the State Bar of Arizona, the Arizona Dispute Resolution Association, and any appropriate state agency with regulatory authority over the particular profession applicable to the court roster. Information about fees charged by participants on any Court Roster will not be published to trade associations or competitor groups, except as required by law.