

PROPOSED TOPIC QUESTIONS FOR BENCH/BAR RE: OUTSOURCED PROVIDERS

- I. Is there a perception among lawyers that PCs have been exceeding the legitimate scope of their delegated authority?
 - A. Attempting to prevent litigant access to the court.
 - B. Attempted interference with attorney/client relationship.
 - C. Perceived efforts to act as therapist for one or both parties or their children.
 - D. Problems with ex parte communications/perceived side-taking.
 - E. Other?
- II. Should PCs have “authority” to “resolve issues” (beyond laundry list of enumerated points or powers) – or be required to obey existing orders and to *recommend* changes, while resolving conflicting interpretations or applications where orders are imprecise or silent, and to facilitate non-substantive administrative details such as pick ups and drop-offs.
- III. Should the appointment order simply grant PCs authority, or permit the appointing judge to enumerate various aspects of authority to be individually delegated – or not:
 - A. Power to resolve minor disputes pending court decision on modification.
 - B. Power to recommend modifications to the Parenting Plan (as opposed to simply enforcing/facilitating the existing order).
 - C. Power to direct the parties to drug screens, parenting classes, psychological services, etc.
- IV. Should PC have authority to decide communication protocol, or be subject to court direction:
 - A. Specifically, power of unlimited ex parte communications; should it be a judicial call whether all communications are to be joint (verbal) or contemporaneous (written), or in the alternative ex parte communications with counsel and parties.
- V. How long is reasonable to permit PCs to respond to grievances, and parties to object to recommendations.
 - A. Should (and could) court access be suspended in the interim?
 - B. Should Court be able to allocate costs in any way it wishes among the parties and the PC.
- VI. Should Court have explicit judicial authority to terminate/alter the PC (both the person and the process) upon motion or *sua sponte*, or be required to go through a multi-stage grievance process (note Constitutional concerns).

