

**Proposed Guidelines****STATE BAR OF TEXAS  
PRACTICE GUIDELINES AND STANDARDS FOR TEXAS ATTORNEYS  
SERVING AS PARENTING FACILITATORS**

In accordance with House Bill 1012, 81<sup>st</sup> Legislature, Regular Session, 2009 and Family Code Chapter 153, the State Bar establishes these practice guidelines and standards for Texas attorneys who desire to serve as parenting facilitators.

**1. Definition.** “Parenting Facilitator” refers to a Texas attorney who serves as a parenting facilitator as defined in Family Code, Chapter 153, Section 153.601(3-a).

**2. Qualifications.** To serve as a Parenting Facilitator, an attorney must be licensed in Texas, in good standing, must meet all parenting facilitator qualification criteria set forth in Family Code, Chapter 153, and must have completed the education and training prerequisites required by Family Code, Chapter 153, Section 153.6101.

**3. Family Code Provisions.** The provisions of the Family Code setting forth procedures for the qualifications, duties, appointment and removal, reporting, record retention, and compensation of Parenting Facilitators, and disclosures of conflicts of interest are incorporated into these guidelines and standards.

**4. Role of Parenting Facilitators.**

**a.** Parenting Facilitators shall not provide legal services to either parent, any children, any party, any participant in the parenting facilitation, or any other interested person in the matter in which the Parenting Facilitator has been appointed.

**b.** Participants in parenting facilitation are not clients of the attorney serving as a Parenting Facilitator within the meaning of the Texas Disciplinary Rules of Professional Conduct, and no attorney-client privilege exists between the Parenting Facilitator and such participants.

**5. Initiation of Service.**

**a.** The Parenting Facilitator should not initiate providing services until he or she has received and reviewed the fully executed and filed order of the court or the signed agreement of the parties.

**b.** Prior to the initiation of the parenting facilitation process, the Parenting Facilitator should inform the parties, in writing, concerning the limitations on confidentiality in the parenting facilitation process and the basis of fees, costs and method of payment, including any fees associated with postponement, cancellation, and/or nonappearance, and the parties’ pro rata share of the fees and costs as determined by the court order or written agreement of the parties.

## **Proposed Guidelines**

c. During the initial session with each party, the Parenting Facilitator should review the nature of the Parenting Facilitator's role with the parents to ensure that they understand the parenting facilitation process.

### **5. Communications and Records.**

a. As provided in Family Code, Chapter 153, Section 153.6083, any communication by a participant in parenting facilitation is subject to disclosure and may be offered in any judicial or administrative proceeding, if otherwise admissible under the rules of evidence.

b. The Parenting Facilitator may be required to testify in any proceeding relating to or arising from the duties of the Parenting Facilitator.

c. Records created as part of the parenting facilitation that arise from the Parenting Facilitator's duties are not confidential.

d. The Parenting Facilitator may:

i. meet individually or jointly with the parenting facilitation participants, including the parties and the children;

ii. interview any individuals who provide services to the children to assess the children's needs and wishes; and

iii. communicate with the parties through face-to-face meetings or electronic communication.

### **6. Conduct.**

a. Parenting Facilitators are expected to terminate or withdraw services if the Parenting Facilitator determines that he or she cannot act in an impartial or objective manner.

b. Parenting Facilitators shall not coerce or improperly influence any participant in the parenting facilitation to make a decision.

c. Parenting Facilitators shall not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting facilitation process.

d. Parenting Facilitators shall not accept any engagement, provide any service, or perform any act outside the role of parenting facilitation that would compromise the facilitator's integrity or impartiality in the parenting facilitation process.

e. Parenting Facilitators should decline appointment when the facts and circumstances of the case are beyond his or her skill or expertise.

## **Proposed Guidelines**

**f.** Parenting Facilitators should withdraw or request appropriate assistance when he or she believes the facts and circumstances of the case are beyond his or her skill or expertise.

**g.** In the event a Parenting Facilitator withdraws or is removed as a parenting facilitator in a matter, he or she shall not subsequently accept any engagement or provide any service to either parent, any of the children, any other party, or any other interested person in the matter unless expressly ordered to do so by the court appointing or removing the Parenting Facilitator.

**h.** Parenting Facilitators should communicate with all participants in the parenting facilitation process in a manner which preserves the integrity of the parenting facilitation process and considers the safety of the parents and children.

**i.** Parenting Facilitators may make referrals to other professionals to work with the family, but must avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, referral fees, or other remuneration shall be given or received by a Parenting Facilitator for such referrals.