

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

Meeting Minutes - May 28, 2002

Members Present:

Hon. Mark Armstrong for Hon. Bethany
Hicks
Robert Barrasso
Dave Byers
Hon. Kathi Foster
Bruce Gentillon
Kim Gillespie for Noreen Sharp
Hon. Peter Hershberger

Hon. Michael Jeanes
David Norton
Hon. David Petersen
Hon. Rhonda Repp
Benidia Rice
Chuck Shipley
Russell Smoldon

Members Absent:

Hon. Linda Aguirre
Jodi Beckley
Carmela Brown
John Clayton

Penny Higginbottom
Clint Sorenson (for Daisey Flores Gilker)
Hon. Monica Stauffer
Bianca Varelas for Barbara LaWall

Staff:

Barbara Guenther
Marianne Hardy
Megan Hunter
Isabel Gillett

Guests:

Judy Bushong

Kat Cooper

Stacy Lockery

Beverly McConnell

Jane McVay

Danielle Yaloz

Maricopa County Clerk of Superior Court

Maricopa County Clerk of Superior Court

Governor's Office

Attorney, Private Sector

Div. of Child Support Enforcement

AZ Coalition Against Domestic Violence

Call Meeting to Order
Hershberger**Rep.**

The meeting was called to order by Representative Hershberger at 10:11 a.m.

Announcements**Rep.**
Hershberger

Rep. Hershberger welcomed everyone and reminded public attendees to fill out orange speaker sheets if interested in the Call to the Public. Member designees for this meeting then introduced themselves to the group.

Barbara LaWall, County Attorney (Urban) member, resigned from this subcommittee due to the termination of Pima County's child support program. Ms. LaWall's designee, Bianca Varelas, was thanked for her many years of dedicated service to the Council and many associated workgroups. Judge Hicks, Domestic Relations Presiding Judge member, also resigned due to her rotation from the DR bench to the civil bench in the Superior Court in Maricopa County. Judge Hicks was thanked for her service to the Council, especially serving as chairperson of the Statute Cleanup Workgroup.

The Domestic Relations Reform Study Subcommittee (DRRSS) holds its workgroup meetings during the Subcommittee meeting lunch hour. Members agreed to hold Council workgroup meetings during the lunch hour to encourage participation and reduce the number of meetings. This does not prevent workgroups from meeting at other times if necessary.

The joint meeting of this Subcommittee with the DRRSS is to be held on June 21, 2002; however, if Senate Bill 1088 is signed by the Governor, the joint meeting may not be necessary. Megan Hunter will notify members as soon as possible.

Approval of Minutes
Hershberger**Rep.**

The minutes for the November 9, 2001 meeting were unanimously approved as written.

Child Support-Related Senate Bills

**Barbara
Guenther**

Barbara Guenther reported that the bills proposed through the Council, SB 1028 and SB 1029, were combined into one bill (SB1028). SB 1028 initially contained technical changes while SB 1029 contained a substantial change in that it authorizes automatic stoppage of a child support order when an obligee and obligor on the same case marry each other. The combined bill passed both the Senate and the House and has been transmitted to the Governor.

Elizabeth Baskett, Senate Research Assistant, reported that SB1088 establishes the Child Support Committee and the Domestic Relations Committee, their members and duties until December 31, 2007. The bill also repeals the Child Support Enforcement and Domestic Relations Reform Committee, the Child Support Coordinating Council Subcommittee and the Domestic Relations Reform Study Subcommittee. It eliminates the quarterly reporting and joint meeting requirement. The bill passed both the Senate and the House and has been transmitted to the Governor. Upon the Governor's signature, members who wish to be reappointed to the Child Support Committee should contact Megan Hunter.

Five amendments were tacked on to SB1088 without having been routed out of the appropriate House committees. David Norton commented that in the future, bills should go through the appropriate committees in both chambers before being submitted to the legislature as a whole.

Child Support-Related House Bills

**Marianne
Hardy**

Marianne Hardy reported that HB 2095 increases the time period in which the clerk or the clearinghouse has to locate an obligee, changes the administrative review procedures and time frames, revises the distribution of support in cash assistance cases and assigned support in foster care cases. The bill passed both the House and Senate and was signed by the Governor.

Making the Legislature More Accessible to the Public

**Barbara
Guenther**

Barbara Guenther, Arizona Senate staff, gave a presentation on how a bill becomes law in Arizona, how the Council fits into the process, how to access the Arizona legislature, how to do bill tracking on ALIS, the availability of watching proceedings on the Internet and TV, and how to individually register support for or opposition to a bill. She and her assistant, Elizabeth Baskett, prepared handouts entitled "How a Bill Becomes a Law" and "A Public Guide to Accessing the Arizona State Legislature." Barbara also explained "strike-everything bills," bill amendments, bill readings, standing committees, committee chair appointments and resulting effect on bills being heard, Committee of the Whole (COW), conference committees and vehicle bills. She added that the Subcommittee doesn't have to actually draft the language for a bill; legislative council and staff will draft the bills originating in the Subcommittee.

Ms. Guenther also gave a presentation on Arizona's open meeting laws. She defined Council meetings as "open meetings" (those conducted in the presence of the public rather than run by the public or deemed public hearings) and explained the open meeting laws as they pertain to Subcommittee meetings. She also described the requirements regarding strictly following the agenda and prohibition against discussing topics not on the meeting's agenda. Desired topics should be brought to the chair's attention for future meetings. Issues brought to the Council during the Call to the Public should not be discussed until the next meeting. Ms. Guenther also handed out two documents on the Arizona Open Meeting requirements for before, during and after meetings and describing the exact statutory requirements and sanctions for non-compliance.

Formalize Legislative Proposal Procedures

Rep. Hershberger

To facilitate streamlining of formalizing legislative proposals in the Council, all workgroups, members or members of the public will be required to utilize a form developed in the Statute Cleanup Workgroup that details who is proposing the idea, the statute cite or like information and reason for the proposal. Forms can be obtained from Megan Hunter.

Barbara Guenther and Marianne Hardy will provide a training session regarding the Committee, its purpose and role at freshman orientation in December. They will provide information regarding upcoming meetings and direct anyone interested in working with the group to speak with current Committee members and/or attend a meeting. Megan Hunter will contact staff to the Domestic Relations Reform Study Subcommittee to see if they are interested in doing the same (to be Domestic Relations Committee, August 2002).

MOTION: To adopt the proposed form and the process for proposing statutory revisions.

Motion was seconded and passed.

County Child Support Program Transition

Benidia Rice

Benidia Rice reported that on June 21, 2001, Cochise County notified the Division of Child Support Enforcement (DCSE) that they would be terminating their child support program contract with the state, effective June 21, 2001. A Request for Proposal has been released to private vendors with an expected awarding by end of summer 2002. Once the provider is selected, the DCSE will send two notices to all parents to inform about the transition and new contact information for the chosen provider.

Ms. Rice also reported Pima County notified the DCSE on March 18, 2002 of their decision to terminate Pima County's child support program contract with the state, effective June 30, 2002. The state DCSE will take over the program on July 1, 2002 and have offered employment to 55 current County Attorney Child Support employees. Total staffing requires 100 DCSE employees and 26 Attorney General employees. Bianca

Varelas has been hired to manage the state program. The program will move to a new physical location as well.

It was noted that the state is not saving any money by taking over the Pima County child support program; in fact, the transition will most likely cost the state.

State Funding Issues

Benidia Rice

Changes in federal distribution laws will have an impact on DCSE's funding. While the impact will be significant, DCSE's goal is to adopt a different business model to increase efficiency and reduce costs instead of asking for an increased appropriation.

Urban County Attorney Membership Position

Rep. Hershberger

Pima County's withdrawal from providing child support services leaves the Council's County Attorney from an urban county membership position vacant with no possibility of filling it. Both urban counties' programs, Pima and Maricopa, will now be state provided. A legislative change will need to be introduced next year to change the requirements for this Child Support Committee position.

Workgroup Reports

Relocation Issues

Russell Smoldon

The group has been in an information gathering mode, specifically, reviewing national trends. When the group convenes, they will discuss parenting time via the Internet, providing incentive for parents to be more involved with a child who is relocated, financial issues associated with child support of a relocated child, and the best interest of the child in relocation situations. This group will fold some issues in with the Guidelines workgroup and the Domestic Relations Reform Study Subcommittee.

Statute Cleanup Workgroup

Hon. Mark Armstrong

The group met on May 15, 2002 and discussed the following:

A.R.S. §44-1692, technical and clarifying

Allows DES to look at credit reports for obligor parents. The proposal to revise the statute is intended to:

1. Eliminate confusion in terminology that is used interchangeably between "consumer" and "obligor";
2. Clarify that DES can look at the credit report of either parent.

A.R.S. §25-502, technical and clarifying

Provides for a simplified change of venue procedure in intrastate child support cases. The proposal to revise the statute is intended to:

- A. Eliminate confusion as to who should sign the order to transfer the case to another county when there is no objection; the revision would authorize the clerk to issue the transfer order;
- B. Provides that, once transferred, the case stays in the new county for all purposes unless and until a new transfer order is issued.

A.R.S. §25-520

The group began discussion on whether or not a definite, finite cut-off date for child support that is based on chronological age should be put forward. Currently, the cut-off age is 18 or until the child graduates from high school but not longer than age 19. The workgroup will review and bring back to the Council. A date certain could be programmed into the computer, parties would not have to go back to court.

A.R.S. §25-510

Dictates how the Support Payment Clearinghouse allocates monies. This proposal would provide that in non-IV-D cases the court would have discretion as to how these monies are allocated. Beverly McConnell, a private family law attorney, testified that when the decision was made to require all payments to be sent through the Support Payment Clearinghouse, ATLAS would need a way to process the payments or provide an algorithm. This algorithm does not suit every case, specifically takes away the rights that parties typically have in debtor/creditor situations, and discourages settlement. She recommends that both the parties and the court can elect where to apply the payments. Benidia Rice commented that DCSE does not object to the change but that practical considerations such as costs for programming the ATLAS system need to be analyzed and discussed.

At its next meeting the group will discuss the issue of requiring child support during college years and revising A.R.S. §25-320.01 regarding the urban County Attorney membership position.

The Council postponed taking action on this item and will wait for the workgroup's recommendations after meeting with Benidia to discuss fiscal and case impact.

Finance Workgroup

Benidia Rice

No meetings have been held as the workgroup previously met its charge.

Nondisclosure of Information Workgroup

Benidia Rice

Met on May 3. Prior to November, 2001, approximately 240,000 letters were sent to custodial parents informing them of the right to have their case information protected. As of November 28, 2001, every new case and every re-opened case began receiving those letters automatically. As of April 18, 2002, over 46,776 indicators have been set on both IV-D and non-IV-D cases. One thousand two hundred ninety-eight custodial parents have requested information on shelters as a result of the mailing and 471 returned a completed form along with a copy of the order of protection. Anticipated misuse of the NDI and reports of barriers to the noncustodial parents has not been realized.

The group also discussed the federal requirement to protect child abuse victims with the NDI. The letter sent by DCSE to custodial parents explains that if child abuse is an issue, the indicator can be placed on their child support case.

The outstanding issue is child abuse issue as it relates to non-IV-D cases. The group will meet this summer and bring findings to the Council in September.

Guidelines

Megan Hunter

The guidelines review for 2004 is underway. After the federally mandated reports are completed in January the Guidelines Workgroup will begin their work around March or April, 2003. A review time line included in the materials provides an approximate schedule for the 2004 guidelines review.

New Business

Sen. Petersen

Commissioner Repp commented that she would like to see fatherhood programs implemented across the state. DCSE has such a program in Maricopa County. The Council will contact the Domestic Relations Reform Study Subcommittee members who are currently studying this issue. Benidia Rice commented that approximately one year ago, DCSE hired a full-time fatherhood coordinator who works extensively with community-based organizations.

Public Comment

Sen. Petersen

There was no answer to the call to the public.

Next Meeting of the Council

Sen. Petersen

The next meeting will be held September 24, 2002, in the State Courts Building, Room 119A/B, Phoenix.

Adjournment

Sen. Petersen

Rep. Hershberger adjourned the meeting at 1:48 p.m.