

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

SECOND QUARTER REPORT 1999

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CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

Members

Co-Chairs: Senator David Petersen , Representative Vacant

Honorable Linda Aguirre
Arizona State Senate

William Hurst
*Joint Custody Parent Appointed by
House Speaker and Senate President*

Honorable Mark Armstrong
*Domestic Relations Judge (Urban)
Appointed by Chief Justice*

Honorable Michael Jeanes
Clerk of the Superior Court

Jodi Beckley
*Executive Assistant
Governor's Office*

Nancy Mendoza
*IV-D Child Support Director,
DES Division of Child Support
Enforcement*

Kirk Burtch
*Division Chief
Office of the Attorney General*

David Norton
*Noncustodial Parent Appointed by
Senate President*

David K. Byers
Administrative Director of the Courts

Honorable David Ostapuk
*Family Law Section Executive
Committee State Bar of Arizona*

Bryan Chambers
*County Attorney's Office Providing
Enforcement Services (Rural)*

Honorable Rhonda Repp
IV-D Commissioner

John Clayton
*Director
Department of Economic Security*

Honorable Rebecca Rios
Arizona House of Representatives

Honorable Robert Duber II
Domestic Relations Judge (Rural)

Chuck Shipley
*Business Representative Appointed by
Senate President and House Speaker*

Laura Elmer
*Custodial Parent
Appointed by Senate President*

Bianca Varelas
*County Attorney's Office Providing
Enforcement Services (Urban)*

Conrad Greene
*Noncustodial Parent
Appointed by Senate President*

Vacant
*Custodial Parent
Appointed by House Speaker*

*CHILD SUPPORT
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1999*

Membership

The Council continues to have two vacancies, one for a custodial parent, and one for a legislative co-chairperson, both appointed by the Speaker of the House.

Meetings

The Council held one meeting during the quarter. During the course of the June meeting, the Council reviewed enacted legislation, formed two new work groups, heard public comment, and planned for future meetings. The June meeting was chaired by Senator Petersen.

Legislative Review

Having convened this year on January 11, the Forty-fourth Legislature adjourned its First Regular Session (*sine die*) in the wee hours of May 7, 1999. Key provisions of some of the more important new laws on family law matters are summarized below. For ease of reference, these new laws are identified by the chapter number of 1999 laws assigned by the Secretary of State, as well as by original bill number (House or Senate bill number, depending on the legislative body in which the bill originated) and short title. Each of the bills referred to in this summary has been signed by the Governor and will become effective on August 6, 1999.

Chapter 51 (SB 1055 - Children and family services committee) reestablishes the Joint Legislative Committee on Children and Family Services, which expired on October 1, 1998. The Committee's purpose is to monitor children and family services and legislative recommendations about those services, to provide a forum for public concerns about state programs that relate to children and family services; and, to make administrative and legislative recommendations to improve the system that delivers services to children and families.

Chapter 59 (SB 1183 - Marriages; sexually transmitted diseases) as introduced, requires that the oath given by applicants for a marriage license acknowledge understanding that information on sexually transmitted diseases may be obtained from the Department of Health. As passed, the law includes provisions of another bill (Senate Bill 1303), jointly developed by the Administrative Office of the Courts and the Maricopa County Superior Court Clerk, amending various statutes dealing with pleading and practice for marital actions to accommodate the new type of marriage (covenant marriage) added to state law in 1998 and modernizing statutes dealing with marriage licenses and ceremonies. Also included is an amendment that simplifies and makes less expensive the process for converting existing marriages to covenant marriages.

Chapter 77 (SB 1053 - Child support; exemption) adds a new subsection to A.R.S. § 25-502 permitting the court to relieve a parent from paying child support if conception resulted from sexual contact with a person who has been found guilty of sexual contact with a minor (A.R.S. § 13-1405) or sexual assault. The court also may extend this exemption to the parents or legal guardian of the non-obligated parent.

Chapter 84 (SB 1184 - Child support; most wanted postings) requires the Department of Economic Security to post quarterly on the Internet information (including a photograph) that identifies no fewer than ten nonpayors of child support on whom arrest warrants have been issued pursuant to A.R.S. § 25-681.

Chapter 85 (SB 1185 - Child custody) amends provisions of A.R.S. § 25-408 regarding relocation of a child outside the state. Under existing law, if relocation is permitted by a court order or written agreement of the parties a moving parent is exempted from the requirement to give at least sixty days advance notice of an anticipated relocation of the child. The new law limits that exemption to orders or agreements dated within a year of the proposed relocation. It also expands the factors that the court must consider when determining whether to allow a relocation, adding the potential effect of the relocation on the child's "stability."

Chapter 283 (SB 1152 - Child support; judgments) proposed by the Child Support Coordinating Council Subcommittee of the Legislature, the primary element extends the duration of child support judgments. Under previous law (A.R.S. § 25-503(J)), money judgments for child support arrearages established during the minority of the child(ren) were valid for ten years after emancipation of all of the children subject to the support order, and thereafter were subject to renewal every five years to remain enforceable. Such judgments now are enforceable from the date of issue until paid in full, without any requirement of renewal. Also, affected are vested child support installments, each of which under existing law (§ 25-503(I)) becomes a judgment by operation of law when due. Under the new law, with specified exceptions, the right to collect on these "unwritten" judgments expires "three years after the emancipation of the last remaining child who was included in the court order" establishing the support obligation. The exceptions provided are that the support obligor impeded establishment of the judgment (by, for example, avoiding service of process, changing a name or leaving the state) or threatened, coerced or defrauded the obligee into not filing a request for a judgment. The term "emancipation" is specifically defined for purposes of these new provisions to mean that the child has married, become eighteen years of age, is adopted or dies or that a support obligation extended for a mentally or physically handicapped child or a child who remains in high school beyond the eighteenth birthday has

terminated. The new law also mandates that beginning January 1, 2000, child support orders, including modified orders, notify the parties "of this expiration date." Also, included are provisions that:

- Permit an adult to bring an action under A.R.S. § 25-803 to "establish the adult's biological parent." Section 25-804 is amended to permit an action for maternity or paternity to be commenced after a child's eighteenth birthday; however an action must be commenced before a child's eighteenth birthday for purposes of establishing a duty to pay support or past support.
- Reduce from ten to five days after receipt the time within which an employer must serve a copy of an ex parte order of assignment upon an employee. It is also now required that the obligor serve rather than mail to the obligee a request for and notice of hearing to contest an ex parte order of assignment.
- Provide that within ten days of the date that an employee is terminated, an employer or payor must notify the clerk or the clearinghouse of an obligor's Social Security Number, last known address and name and address of the obligor's new employer, if known. No previous time period was established in statute.
- Indicate that the state child support agency may not adjust an order of assignment by administrative process under A.R.S. § 25-505 if the court orders otherwise.
- Permit a child support obligor who is the subject of two or more orders of assignment for the same children to request at any time that the court terminate an order of assignment. No fee may be charged for filing the request.
- Eliminates in a paternity case the filing fee usually charged for initiating or responding to a proceeding to establish child support, custody or visitation, so long as the proceeding is brought within ninety days of the date and in the same county that paternity was judicially determined.

New Work Groups

The Council formed two new work groups.

The Domestic Violence Issues work group was formed to examine how the court process of issuing orders of protection interfaces with law enforcement and effects the child support enforcement agency.

The Intrastate Enforcement work group was formed to examine issues relating to jurisdiction, venue, abatement, and the states right to enforce according to the current statutes.

Future Council Meetings

The next meeting of the Council is scheduled for August 2, 1999.

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