

**CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE**  
**Meeting Minutes - Wednesday, May 27, 1998**

**Members Present**

Hon. David Petersen  
Hon. Freddie Hershberger  
Patrick Harrington for Linda Blessing  
Kirk Burtch  
Hon. Robert Duber  
Hon. Michael Jeanes  
Nancy Mendoza

Commissioner David Ostapuk  
Debbie Schumacher  
Chuck Shipley  
Alice Rose Thatch for Dave Byers  
Hon. Richard Weiss  
Rick Wagner for Conrad Greene

**Members Absent:**

Hon. Mark Armstrong  
Jodi Beckley  
William Hurst  
Hon. Sandra Kennedy

David Norton  
Hon. Rebecca Rios  
Paul Smith  
Bianca Varelas

**Guest/Presenters**

Judy Bushong  
Kat Cooper  
Kim Gillespie  
Randi Gonzalez  
Jim Keane  
Heidi Koopman  
Jane McVay  
Chris Sotiriou

Clerk of Superior Court - Maricopa County  
Clerk of Superior Court - Maricopa County  
Attorney General's Office  
Clerk of Superior Court - Maricopa County  
Arizona Senate - Research Analyst  
DES - Legislative Services  
DES - DCSE  
Parent

**Staff Present**

Carmela Chiarenza  
Patrick Scott

**Call Meeting to Order**

The meeting was called to order by Representative Hershberger at 10:15 a.m.

**ANNOUNCEMENTS**

The cochairs announced the appointment of Judge Mark Armstrong, by Chief Justice Zlaket, to the urban county domestic relations presiding judge position on the Council. Judge Armstrong replaces Judge Barry Schneider. Judge Armstrong was attending the Association of Family and Conciliation Courts annual convention in Washington, D.C. and was not able to attend the meeting.

## **APPROVAL OF MARCH 2, 1998 MINUTES**

The minutes, as amended, were approved. The minutes as originally published inadvertently omitted Conrad Greene's name, as an absent member.

## **WORK GROUPS**

### *Public Education*

Patrick Harrington discussed the May 12 meeting of the work group. The work group discussed the messages that the Council wants to get out to the public, date sensitive issues, and the methods that will prove most effective in disseminating those messages. Mr. Harrington supplied the Council with a document summarizing the topics discussed by the work group and the priority given to each topic. The recommendation of the work group is to concentrate on disseminating information on the support payment clearinghouse, assuming responsibility for non-IV-D payments, and the message that job training is available for unemployed obligors. The topics of parental responsibility, children need two parents, and responsible fatherhood were identified as additional priorities. The work group will meet again in a couple of weeks and will refine the plan.

### *Clean Up Child Support Statutes*

Kat Cooper reminded the Council that this work group was formed to review and clarify discrepancies in the child support statutes. The work group has been reviewing the statutes relating to judgments. The work group has made some initial suggestions for consideration by the Council. It was agreed by the members of the work group that limitations in statute on child support judgments be eliminated.

Ms. Cooper distributed a document in legislative format detailing the proposed amendments to statute. The work group proposes to exempt child support judgments from the limits imposed by A.R.S. § 12-1551 and restates the exemption in A.R.S. § 25-503, D., also section J would be eliminated.

Judge Duber asked if anyone perceived a problem with the statute of limitations under current state statute. The judge also questioned how a party would obtain a lien release or a satisfaction of judgment. It was stated by Nancy Mendoza that currently those functions may be performed by the IV-D agency when they are a party to a case. It was noted that this issue was brought to the Council by Beverly McConnell, a private attorney. Ms. Mendoza and Kat Cooper

suggested these issues be addressed at the next meeting after obtaining more information about judgment enforcement practices in other states.

### ***Centralized Processing of Non-IV-D Payments***

Commissioner David Ostapuk stated that the Council bill SB 1132 had been passed by the legislature. The bill prescribes a statutory priority for distribution of child support, spousal maintenance, and interest for non-IV-D cases.

This work group has been expanded to include several people with additional expertise such as superior court clerks, computer personnel from the Department of Economic Security and the Administrative Office of the Courts, and representatives from the Attorney General's Office and Pima County Attorney's Office.

One of the issues that the work group is examining is how to distribute those monies paid in excess of the amount ordered by the court. The work group intends to contact all of the superior court clerks and obtain a consensus how distribution should occur. The work group will also investigate the computer connections that are necessary for the superior court clerks to access to the state case registry system and how best to provide training.

The next meeting of the work group is scheduled for June 2.

## **LEGISLATIVE UPDATE**

Staff member David Sands advised members about legislation in the area of child support and domestic relations recently passed during the Second Regular Session of the Forty-third Legislature. Although the legislative session adjourned on May 22, 1998, most of the bill referred to still had not been signed by the Governor. Unless a different time period is specified in a particular bill, new laws become effective August 21, 1998.

First discussed was the Council's omnibus legislative proposal, introduced as Senate Bill 1132. The bill passed largely as introduced. Principal features of the bill are provisions advancing termination of the marital community to the date of service of a petition for dissolution of marriage or legal separation; expansion of the domestic relations on children's issues (DRECI) programs to additional paternity cases; consolidation and revision of the laws governing orders of assignment; and codification of a hierarchical formula for distribution of support payments in non title IV-D cases by the centralized payment processing center. Amendments added during the legislative process provide that the DRECI program is extended only to paternity cases in which the court is asked to determine child support; clarify that provisions concerning termination of marital community apply only to actions for dissolution of marriage, legal separation or annulment commenced August 21, 1998; and limit access to employer information under A.R.S. § 25-513 by private child support litigants to not more than once in three months.

Senate Bill 1133, enacted as Laws 1998, Chapter 57, codified as sections 25-901 through 25-906, Arizona Revised Statutes creates a new type of marriage with specific, exclusive grounds

for obtaining a divorce or separation To enter into a covenant marriage, parties must declare the intent to do so on the marriage license application. The statute prescribes the content of the declaration. Because the marriage already recognized in Arizona has not been abolished, persons contemplating marriage will have a choice regarding the type of marriage to be contracted.

Senator Petersen provided additional information regarding the covenant marriage bill. He indicated Arizona is the second state in the nation, after Louisiana, to pass this legislation. Central to this type of marriage is the requirement of premarital counseling. Several grounds for dissolution of marriage are provided in the legislation, including physical, sexual and emotional abuse, domestic violence, habitual alcohol or drug abuse, adultery, abandonment and mutual agreement of the parties.

Mr. Sands also discussed three domestic violence bills that passed. House Bill 2142 was proposed by the Arizona Supreme Court Committee on the Impact of Domestic Violence and the Courts. This bill makes a variety of amendments to state laws regarding domestic violence protection orders, among them reducing the fee for an injunction against harassment from ten to five dollars; extending the effective length of a protection order from six months to one year, commencing January 1, 1999; clarifying the courts authority to prohibit purchase and possession of firearms by a defendant or to order a defendant to attend counseling programs when subject to an order of protection; and amending state law consistent with federal law to require that courts give full faith and credit recognition to the protection orders of other states and Indian tribes. Senate Bill 1175 creates a new crime of aggravated domestic violence applicable to repeat offenders and House Bill 2189 establishes the crime of aggravated harassment, applicable when the defendant commits harassment and either is subject to a valid, effective order of protection in favor of the same victim or has been convicted of a previous domestic violence offense involving the same victim.

Also, noted were two bills that did not pass. In 1997, state law was amended to allow persons standing in loco parentis to a child to seek custody or visitation. At that time, the Legislature, directed that the Child Support Enforcement and Domestic Relations Reform Committee study in loco parentis custody, visitation and child support and submit a written report of its findings. Recommendations in that report for amendments to state law lead to introduction of House Bill 2164. Principally, the bill would have clarified procedures for seeking custody and visitation, and clarified the legal status and child support obligation of persons seeking custody. Although passed by the House of Representatives, the bill died in the Senate when it failed to clear assigned committees. The other bill, Senate Bill 1368, contained a series of amendments to laws regarding custody evaluation and violation of visitation rights. It also was a vehicle for reintroduction of a parental responsibility bill, developed by the Domestic Relations Reform Study Subcommittee and first proposed to the Legislature in 1996.

Nancy Mendoza spoke about House Bill 2451, an omnibus bill proposed by the state title IV-D agency. The bill builds upon changes to state law made in 1997 as a part of federal welfare reform legislation and makes technical corrections to last years Arizona legislation. Many of the provisions require further reporting of parents' or children's social security numbers on such documents as petitions for dissolution of marriage (A.R.S. § 25-314); petitions to establish or

enforce support (section 25-502); drivers (section 22-3158) and recreational (25-320) licenses.

### **STATUTORY REFERENCE TO URESA vs UIFSA**

Judge Duber called the attention of the Committee to several lingering references to URESA in state statute. The judge was concerned about the fact that URESA was repealed but A.R.S. § 25-811 still states “All remedies available under the uniform reciprocal enforcement of support act are available for the enforcement of duties under this article. “ The judge requested the issue be placed on a work group agenda and , if appropriate, language drafted for a statutory reference to UIFSA.

Kim Gillespie volunteered to check into this issue when she attends a national conference on UIFSA and will report back to the Council.

### **WORK GROUP HOUSEKEEPING: MEMBERS AND DUTIES**

Alice Rose Thatch stated that her staff is in the process of updating and reviewing all the records, memberships lists for the Council and the associated work group lists. She asked the Council to check all lists for correct spelling of names and correct listing of address, phone and fax numbers. Members should notify Carmela Chiarenza at 542-9637 if any changes need to be made. In addition, she requested a status update on two particular work groups.

- Information Access for Non IV-D Cases. This work group was working to draft a letter for congress. Commissioner Ostapuk mentioned that this is something that needs to be brought back to the Council. Commissioner Ostapuk stated that he was to come up with a improved letter, along with Kirk Burch, and to identify other issues that need to be addressed. He recommended that this be keep on the agenda for future meetings so that other recommendations can be discussed and considered by the full council. Carmela Chiarenza will be sending Commissioner Ostapuk the current work group membership list to be sure that the members are correct.
- The second is the work group on non-traditional employer reporting with Patrick Harrington as chair. Mr. Harrington stated that the work group was examining the issue of job referral agencies such as unions or agencies employing private contractors. Mr. Harrington and Judy Bushong have discussed the issues with several union organizations. Mr. Harrington suggested that this work group be referred to as the Employment Referral Agencies and Wage Assignment work group.

Ms. Thatch asked if the Council supported the *in loco parentis* work group continuing considering the bills failure to progress during the legislative session. Chuck Shipley suggested if the members to this work group were reappointed they evaluate why the legislation did not succeed and come back to the Council with a recommendation. Senator Petersen explained that no one legislator had a problem with the bill as introduced. It had been held at the request of a

citizen and never did not move forward. Judge Duber suggested that staff should be tracking what is happening with judicial decisions relating to this statute.

Ms. Thatch also discussed a memo which was sent with permission of Senator Petersen and Representative Hershberger. The memo requested each Council member to submit the names of any person they wished to identify as a designee and/or who would be authorized to vote on behalf of the absent members.

Senator Petersen informed the Council that a new work group on fatherhood initiatives would be formed. The Senator requested Nancy Mendoza, Commission Ostapuk, Alice Rose Thatch and Kat Cooper to be on the work group. The work group will examine ways of getting fathers more actively involved in their children's lives and discuss how to encourage unmarried fathers to establish paternity. Ms. Mendoza suggested that DCSE could offer information to noncustodial parents that are unemployed or underemployed about how to receive job training. Ms. Mendoza will be share with the work group some of the activities underway nationally.

Judge Duber questioned how the Domestic Relations Reform Study Subcommittee was progressing. Ms. Thatch stated that the subcommittee is active and dealing effectively with several issues, e.g. custody evaluation, property division and domestic violence.

Senator Petersen stated that is very important these committees continue to try to solve the problems that relate to family issues. The Senator and Ms. Thatch both are members of the Domestic Relations Reform Study Subcommittee and agreed to facilitate the sharing of information between the Subcommittee and the Council.

## **NEXT MEETING OF THE COUNCIL**

The next meeting is scheduled for August 26, 1998, from 10:30 a.m. to 2:30 p.m. at the State Courts Building in room 119.

## **PUBLIC COMMENTS**

Mr. Chris Sotiriou addressed the Council concerning the issue of judicial abuse. He described his case and stated that he felt he had been treated unfairly. He explained that his former wife has custody of their son and Mr. Sotiriou is concerned for his son's safety. He was hoping to be able to get help from the council.

Commissioner Ostapuk responded to Mr. Sotiriou's issue, informing the Council that he was the commissioner referred to by Mr. Sotiriou in the case. Commissioner Ostapuk stated it would not be appropriate for him to discuss the details of the case and cautioned the members that there are always two sides to each case. Commissioner Ostapuk explained that the trial judge is in a unique position to hear all the information and evaluate that information. The court may then make a determination based upon the testimony, about what is in the best interest of the children.

Representative Hershberger explained to Mr. Sotiriou that the Council is not a court of law and they are not able to make those decisions.

## **ADJOURNMENT**

The meeting was adjourned by Representative Hershberger at 1:30 p.m.