

**CHILD SUPPORT COMMITTEE
MEETING MINUTES – OCTOBER 22, 2002**

PRESENT:

Robert Barrasso
Hon. Kathi Foster
Kim Gillespie
David Hamu for Charles DiGeronimo
Hon. Peter Hershberger
Kym Hull
Hon. Michael Jeanes
Karen Kretschman for David Byers
Suzanne Miles

David Norton
Hon. David Petersen
Hon. Rhonda Repp
Benidia Rice
Chuck Shipley
Russell Smoldon
Hon. Monica Stauffer
Bianca Varelas-Miller for John Clayton

NOT PRESENT:

Hon. Mark Armstrong
Michelle Krstyen

Ezra Loring for Jodi Beckley
Hon. Ramon Valadez

Staff:

Megan Hunter

Isabel Gillett

GUESTS:

Judy Bushong
Kat Cooper
Amy Gillespie
Marianne Hardy
Eileen Klein
Jerry Landau
Jane McVay
Julie Thorpe

Clerk of Superior Court in Maricopa County
Clerk of Superior Court in Maricopa County
Morris Institute for Justice
Arizona House of Representatives
Arizona House of Representatives
Maricopa County Attorney's Office
Division of Child Support Enforcement
Morris Institute for Justice

CALL MEETING TO ORDER

Rep. Hershberger

The meeting was called to order by Representative Hershberger at 10:13 a.m. with a quorum present.

APPROVE MINUTES

Rep. Hershberger

Minutes of the September 24, 2002 meeting were approved unanimously.

INTEGRATED FAMILY COURT

Ellen Seaborne

Legislation passed in 2002 required the Domestic Relations Committee, a legislative committee, to develop a report and plan for the formation of an Integrated Family Court (IFC) for Arizona. The Committee formed the Integrated Family Court workgroup to research and develop the report with Ellen Seaborne, a private attorney from Flagstaff, serving as its chairperson.

Ellen provided a PowerPoint presentation of the IFC proposal, including the self-funding proposal. The general purpose of the IFC is to integrate domestic relations and juvenile cases (both dependency and delinquency) into one court using a “one family-one team-one judge” approach. The group estimates the annual cost to be \$10 million. The funding mechanism proposed by the group focuses solely on self-funding by implementing filing fees on cases that currently do not have fees associated with them, and increasing other filing fees. The Domestic Relations Committee previously adopted the proposal and funding mechanism.

A proposal to increase the child support handling fee from \$2.25 to \$3.00 has many questions surrounding its legality. Benidia Rice explained that the handling fee is, by statute, at the bottom of the collection algorithm making it almost impossible to collect in many cases.

She went on to explain that the IV-D child support sector could be substantially impacted by the IFC plan. The IV-D sector is mandated by federal regulations, including timelines, and must operate using a mass production process. She will meet with Ellen and/or the IFC workgroup to discuss in detail and return for the November 19 Child Support Committee meeting.

Members commented as follows:

- an emphasis should be placed on alternative dispute resolution
- timelines should be implemented to reduce the lengthiness of domestic relations court processes
- the financial burden for funding the IFC is being placed on the families
- conciliation services are sometimes used as a roadblock to the other party’s request for relief
- judicial officers should receive better training in domestic relations issues

- assessing a filing fee on all subsequent filings is not fair to the party who does not file frivolous pleadings
- terminology used in family court causes an adversarial relationship between parents
- the plan is ideal but elected judges make it political
- will be difficult to collect the child support payment processing fee
- judges shift problem cases away
- judges do not realize the devastating effect they have on families

STATUTE CLEANUP WORKGROUP

Karen Kretschman

The Statute Cleanup workgroup met on October 15 to put finishing touches on two remaining proposals for the 2003 legislative package.

A.R.S. § 25-510

This statute provides an algorithm for the method in which child support payments are to be applied and distributed through the Support Payment Clearinghouse. The algorithm is used in all child support and spousal maintenance cases but does not necessarily suit every case. The algorithm in existing law treats all cases, including IV-D and non-IV-D, the same and does not allow for an allocation method other than that prescribed in statute. The proposal adds language authorizing the court, in non-IV-D cases only, to allocate payments or credits in a different manner than that provided by the algorithm in subsection A of the same section.

MOTION: Add A.R.S. § 25-510, as drafted, to the 2003 legislative proposal package.

Motion was seconded and passed with two votes opposed.

A.R.S. § 23-722.02

Two versions of this statute were passed into law. The proposal repeals section 1.

MOTION: Add A.R.S. § 23-722.02, as drafted, to the 2003 legislative proposal package.

Motion was seconded and passed unanimously.

DCSE 2002 Legislative Proposals

Benidia Rice

The Division of Child Support Enforcement provided an overview of their 2003 legislative package at the September meeting, which included seven proposals. Since that time, they decided to pull all proposals dealing with extending administrative authority to establish orders from the package. The remaining proposals follow:

- **Voluntary acknowledgement of paternity.**
Current law requires parents to sign the acknowledgement in front of a notary public; the proposal would allow for signing before either a witness or notary public.
- **Remove statute of limitations on collection of past due child support.**
Current law requires a custodial parent to file a request for a formal written judgment to collect past due child support; the proposal would release the custodial parent of that requirement.
- **Provide authority for DCSE to file a wage assignment in arrears-only cases.**
Current law authorizes the child support agency to file wage assignments for arrears, only when combined with current support. The proposal would authorize wage assignment in arrears-only cases.

Members expressed dissatisfaction with the second proposal that removes the statute of limitations on collection of past due child support. Benidia explained that DCSE has many cases that need arrearage judgments but a lack of resources and other priorities prevents them from obtaining arrearage judgments on all applicable cases. Parties may request an arrearage judgment from the court on their own. Benidia commented that DCSE will consider the Committee’s concerns with this proposal. The issue will be placed on the November agenda.

Benidia requested formation of a workgroup to study administrative order establishment issues to begin soon. Megan will contact volunteers for meeting scheduling.

STRATEGIC PLANNING

Because this is a new committee with a new charge, the co-chairpersons want to develop a strategic plan that will list priorities of the committee for both the short and long term. Christine Powell, AOC, reviewed the process and gathered ideas and comments from members including arrears management, expanding juvenile processes to include more child support, public outreach and job court. Christine provided a preliminary list for Committee members to review prior to the November meeting. She will meet with the Committee in November to develop the plan.

JOB COURT – SUPERIOR COURT IN YAVAPAI COUNTY

**Hon. Rhonda Repp
Humberto Cisneros**

Throughout her five years on the family law bench, Commissioner Repp began to recognize that many child support payors were not deadbeat dads; rather, they could not pay court-ordered support due to lack of employment and education. She began a program in her court in which local community service agencies and employment services attend court session one day each week to meet with child support obligors who claim unemployment and other needs as reasons for non-payment. Many participants were not aware of such services; many obtained employment and began paying support.

Humberto Cisneros, Research and Statistics, AOC, evaluated the program and found that the average support obligation for Job Court Program participants was \$286 per month and participants made average monthly payments of \$148 (51.6%) during the follow-up period of six months. Non-participants in the program had an average court-ordered monthly child support order in the amount of \$248 and made payments of \$48 (19.7%). When average child support payments were compared to the previous three months before participating in the program, participants improved by 169% from an average of \$55 to \$148. Non-participants improved by only 57%, from an average of \$35 to \$55.

Overall, the program seemed to be successful. While most people who appeared in court showed improvement in their monthly child support payments, people who attended the Job Court program exhibited a dramatic improvement in their court-ordered support payments.

FATHERHOOD PROGRAM – DIVISION OF CHILD SUPPORT ENFORCEMENT

Tommy Epps

Tommy Epps, Fatherhood Coordinator, DCSE, provided a presentation regarding a program intended to encourage and train young fathers to be parents including financial responsibility for their children. DCSE was recently awarded a federal grant to help fund and expand the program. The “Parenting Academy” helps young fathers learn to take responsibility for their role as a parent through parenting classes, education and skills training, learning to get and keep a job, and working with the other parent. DCSE’s collaborative partners from several organizations including Maximus and Fathers Matter provided an overview of the nature of each individual program.

NEW BUSINESS

Rep. Hershberger

There was no new business.

PUBLIC COMMENT

Rep. Hershberger

There was no answer to the call to the public.

NEXT MEETING OF THE COUNCIL

Rep. Hershberger

The next meeting will be held November 19, 2002, in the State Courts Building, Room 119, Phoenix.

ADJOURNMENT

Rep. Hershberger

Rep. Hershberger adjourned the meeting at 1:54 p.m.