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*CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE*

*THIRD QUARTER REPORT 1999*

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**CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE**  
**Members**

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*Vacant - House*

**Honorable Linda Aguirre**  
*Arizona State Senate*

**David Norton**  
*Noncustodial Parent*

**Honorable Mark Armstrong**  
*Domestic Relations Judge (Urban)*

**Honorable Michael Jeanes**  
*Clerk of the Superior Court*

**Jodi Beckley**  
*Executive Assistant*  
*Governor's Office*

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*IV-D Child Support Director*  
*DES Division of Child Support Enforcement*

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*Division Chief*  
*Office of the Attorney General*

**William Hurst**  
*Joint Custody Parent*

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*Administrative Director of the Courts*  
*Arizona Supreme Court*

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

**Bryan Chambers**  
*County Attorney's Office (Rural)*

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*IV-D Commissioner*

**John Clayton**  
*Director*  
*Department of Economic Security*

**Honorable Rebecca Rios**  
*Arizona House of Representatives*

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*Business Representative*

**Laura Elmer**  
*Custodial Parent*

**Bianca Varelas**  
*County Attorney's Office (Urban)*

**Conrad Greene**  
*Noncustodial Parent*

**Vacant**  
*Appointed by House Speaker*

**CHILD SUPPORT  
COORDINATING COUNCIL SUBCOMMITTEE**

**THIRD QUARTER REPORT  
1999**

**Membership**

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

**Meetings**

One Council meetings was scheduled during the third quarter, August 26. However, that meeting was postponed to October 4 to allow additional time for the workgroups to meet.

**Workgroup Reports**

◆ Family Violence Indicator

This workgroup met several times during the third quarter of 1999. The group studied the provisions and requirements of Section 453(b)(2), 42 U.S.C. 653(b)(2), the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The group examined how the State IV-D agency and the courts will coordinate in the implementation of a Federal mandate in terms of placing a non-disclosure indicator on the Federal Case Registry via the State Case Registry. PROWORA provides that no FPLS information will be disclosed to an authorized person if the State has notified the Secretary of the Department of Health and Human Services that: 1) the State has reasonable evidence of domestic violence or child abuse; and 2) the disclosure of such information could be harmful to the parent or that parent's child. The workgroup has also focused on how to best protect the interest of all parties.

The following statutes have been discussed but no formal recommendations have been made:

Title 25:

- The definition of “support” should be consistent with Federal law.
- Defining or clarify the terms “payor” and “obligor”. Both are used in statute. The same term should be used throughout the statute if there is no difference in these terms.
- Define or clarify the use of the terms “arrear” and “arrearages”. Both are used in statute interchangeably. The same term should be used throughout if there is no difference in these terms.

A.R.S. § 25-810. Grandparent Liability for Child Support. The statute is unclear in terms of:

- 1) how to calculate a grandparent’s liability for support of a minor child living with them, and ;
- 2) what is meant by joint & several liability in this statute.

The statute implies that it is fair to assess child support against grandparents who are willing to aid the parent by allowing the grandchild(ren) to live with them, but not to assess child support against non-custodial grandparents.

The group is also discussing how support should be established or modified when there are multiple families and child support orders with the same obligor.

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The following recommendations will be made to the Council:

Amend A.R.S. §§ 25-502(c) and 25-681(a). These two statutes relate to child support arrest warrants and findings of contempt in child support arrearage cases. The workgroup recommends amending A.R.S. § 25-502(c) by changing the word *shall* to *may* to be consistent with A.R.S. § 25-681(a). Secondly, the workgroup recommends cross referencing A.R.S. § 25-681(c), the child support arrest warrant statute, to A.R.S. § 25-502(c). These two disparate statutes appear in different articles of Title 25 although they deal with similar issues.

Amend A.R.S. § 12-910(c) Judicial Review of Administrative Decisions. This statute relates to the use of judicial review of administrative decisions by executive branch agencies. These are cases in which a person has appealed an administrative decision by DCSE to the Superior Court. Under current law they have a right to a jury trial. This has the potential to overwhelm Family Court. Additionally, the courtrooms are not equipped to deal with jury trials. Currently there is no right to a jury trial in other Title 25 proceedings. The workgroup recommends adding the following clause to the last sentence of A.R.S. § 12-910(c) "except if the review is of a decision pursuant to A.R.S. 25-522." Parties would maintain their right to an appeal to Superior Court without the provision for a jury trial.

Amend 25-504(h). This issue is referred to as the "26/52" issue. Under existing law, employers who pay their employees on a bi-weekly basis, 26 times per year, can sometimes unfairly cause child support arrearages to accrue. The workgroup recommends: 1) amending A.R.S. § 25-504(h) by deleting the second sentence which authorizes the prorated method of withholding child support. Deleting this provision would not prohibit this method, it would simply suggest that monthly child support be withheld, and 2) amending A.R.S. § 25-510(c) which is the statute that sets the hierarchy of payments. The statute allows arrearages to accrued unfairly.

### **Future Council Meetings**

The next meeting of the Council is scheduled for October 4, 1999.