

**CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE**  
**Meeting Minutes - Thursday, February 4, 1999**

**Members Present**

Hon. Mark Armstrong  
Angela Bowman for David Byers  
Brian Chambers  
Kim Gillespie for Kirk Burtch  
Conrad Greene

Hon. Michael Jeanes  
Nancy Mendoza  
Hon. David Petersen  
Hon. Rhonda Repp

**Members Absent:**

Jodi Beckley  
Linda Blessing  
Hon. Robert Duber  
William Hurst  
David Norton

Commissioner David Ostapuk  
Hon. Rebecca Rios  
Chuck Shipley  
Bianca Varelas

**Staff:**

Patrick Scott

**Guest/Presenters**

Kat Cooper  
Joseph Doyle  
Chris Sotiriou

Clerk of Superior Court-Maricopa County  
Parent  
Parent

**Call Meeting to Order**

The meeting was called to order by Senator Petersen at 12:15 p.m.

**Legislative Review**

The Child Support Coordinating Council met telephonically to discuss introduced legislation impacting child support, child custody, or marriage. The discussion began with the Council's bill, SB1152, sponsored by Senator Petersen.

**SB1152 Child support; judgments.** The Council discussed the concerns expressed by Eddie Sissons of the Arizona Justice Institute. Eddie is concerned that parties with child support orders that have not expired, will not be aware of the requirement to obtain a judgment within three years of the last child emancipating. Eddie proposed that the bill be amended to add language

requiring all future child support orders notify the parties of the three year statutory limitation. The members suggested that the Administrative Office of the Courts could do an article in the DR Quarterly to help inform the legal community, change their child support pamphlets to highlight the change, and include a notice in the child support order used in conjunction with the Arizona Child Support Guidelines. Kim Gillespie will research the effect of the change on administrative remedies available to the IV-D Agency.

Members questioned whether this change could revive judgments that had not been renewed. The consensus of the Council was that this would not have that effect on expired judgments.

**SB1053 Child Support; exemption.** The bill would exempt parents, who are minors, from the obligation to support their children, if the minor became a parent as the result of a sexual assault or an act of illegal sexual conduct for which the other parent had been found guilty. The exemption would also apply to the minors parents or legal guardians.

The Council noted that sexual assault was not defined and suggested that a reference be added to A.R.S. § 13-1406. The Council also discussed how the bill related to good cause exemptions as used by the IV-D agency. The members were assured that the bill does not conflict with any federal regulations.

Senator Petersen informed the Council members that he sponsored the bill as the result of a Kansas court case. A minor had been sexually assaulted by his baby sitter and was later ordered to pay support for the child resulting from that sexual contact. The Kansas court stated: "If the legislature had wanted to exclude minor parents from responsibility for support, it could easily have done so." This bill would clarify legislative intent in Arizona.

**SB1055 Children and families services; committee.** The bill revives the Joint Legislative Committee on Children and Family Services (Committee) to review legislative recommendations and public concerns regarding children and family services and to review specific Child Protective Services (CPS) cases when there is a written constituent complaint.

**SB1183 Marriage; sexually transmitted diseases.** Requires marriage license applicants to execute a statement under oath that they understand they can obtain information on sexually transmitted diseases from the county health department and that these diseases may be transmitted to their unborn children. The bill also makes technical changes that simplify the process for married couples converting to a covenant marriage and place in statute the procedure to be followed when a marriage license is lost. The bill allows the clerk of the superior county to designate to justices of the peace and city or town clerks authority to issue covenant marriages licenses and to process the conversion of existing marriages to covenant marriages. Additionally , the bill references the grounds that need to be established when filing a petition for legal separation or dissolution of a covenant marriage.

**SB1184 Child support; most wanted postings.** The bill would require the Department of Economic Security, Division of Child Support Enforcement to post on the Internet the ten most wanted non-payers of child support. Nancy Mendoza informed the Council members that the

Division did not have a website and that she was concerned the message to payors could be contrary to the goals of the division. The division could create a website if the bill is passed, but would require funding. Bianca Varelas explained to the members that Pima County has a website with obligors for whom child support arrest warrants have been issued. The members discussed how IV-D and non-IV-D obligors would be chosen. The Administrative Office of the Court was asked if they could host the website. Angela Bowman from A.O.C. responded that they would have similar budget concerns as the child support enforcement agency. Senator Petersen will continue to examine the possibility of a website with the assistance of the IV-D agency.

**SB1185 Child custody.** The bill sets a standard that relocation of a child will occur only if the relocating parent can establish by clear and convincing evidence that it is in the best interest of the child. Judge Armstrong expressed two concerns; one that the court could be undoing the agreement of the parents, and two that the addition of section (J)(8) made a finding of fact for the court. Conrad Greene favored the changes and expressed his belief that New York State had a provision in their statutes that considered the children assets to the state.

**SB1284 Domestic violence.** The bill adds a new section to statute dealing with custody and domestic violence. The court after determining that a party had committed an act of domestic violence should consider that it is not in the best interests of the child to be placed in the sole custody, joint legal custody, or joint physical custody of the parent who committed the act of domestic violence. The bill would also require the Department of Health Services to make available to health care professionals and institutions a notice advising domestic violence victims of the rights that are available to them. Conrad expressed concern that an allegation of domestic violence could be used as a weapon in a custody proceeding.

**HB2063 Children; grandparents; visitation rights.** The bill would allow grandparents and great grandparents to file for visitation during the minority of a child. The bill removes provisions limiting the circumstances where grandparents could file for visitation to dissolutions, a deceased or missing parent, or to a child born out of wedlock. Council members were concerned that grandparents would have the ability to request visitation even if the parents and children were living together as a healthy family unit. The bill was held in the house Human Services Committee.

**HB2121 Marriage; dissolution; creditors; information.** The bill would require an additional notice to be given parties to a legal separation or dissolution that the order of the court assigning debts is binding only on the parties. The notice informs parties that the order does not bind creditors from pursuing collection of the community debts from both parties. The bill also contains a letter to creditors notifying them that one of the parties wants to be notified of any notices, demands, and statements being provided to the other spouse.

Members noted that if the debt was a community debt both spouses would have a right to access to account information. It was further suggested that this notice could be included in the preliminary injunction issued when an action is commenced. The bill passed out of committee,

but is not supported by the business community.

**HB2212 Dissolution of marriage; liquid assets.** The bill would require the court to divide liquid assets of the community upon motion by either party. It would also allow an attorney to withdraw from a case as a matter of right after a hearing for temporary orders. Judge Armstrong stated that the bill was unnecessary because the court can equitably allocate assets now on a temporary basis pending the final decree. The judge cautioned that this would cause further delay in the courts and would not grant any powers to the court they don't already possess.

**HB2420 Domestic Relations; parenting plans.** Judge Armstrong informed the Council members that this bill was discussed at length in the House Human Services Committee and then held for a complete rewrite. The Council did not discuss the bill further.

**HB2524 Marriage; blood tests.** The bill would require applicants for a marriage license to obtain a blood test for sexually transmitted diseases. The physician performing the test would be required to complete a certificate, in a format prescribed by the Department of Health Services, that states the applicant is not infected or if infected not at a stage where the disease may become communicable. Mike Jeanes stated the clerks are working with the sponsor on technical considerations.

## **Handout**

Council members were given a copy of a request from a citizen addressed to Senator Solomon asking for legislation to create an advocate for special needs children in the courts. The constituent is concerned that courts may not grasp fully the impact a disability has on a child or a family. The letter suggests that the advocate would need to be knowledgeable in the law with a background dealing with the disabled.

Council members expressed the opinion that it would be difficult to find volunteers that had the required skills to fill the position. It was suggested that if such a position were to be created, funding would need to be considered. Commissioner Repp expressed concern that government continues to encroach into family life and that this position could be another unwanted intrusion. Conrad Greene stated his opinion that courts are not sensitive to special needs children. Mr. Greene suggested that volunteer organizations could fill the needs of this position and that the parents be the first option rather than government. Brian Chambers suggested that there was a parallel situation in special education due process hearings where advocates are allowed to participate. Brian suggested that advocates might be allowed to participate in a limited role to explain a disability to the court.

## **Public Comment**

The Council was addressed by two members of the public. Chris Sotiriou favored the provisions of SB1185. Mr. Sotiriou expressed his belief that it is beneficial for children to have extended visitation with the noncustodial parent. Mr. Sotiriou expressed concern about HB2063. Mr. Sotiriou hypothesized about grandparents with criminal records obtaining visitation rights with a child. Mr. Sotiriou questioned how a noncustodial parent would receive notice when a grandparent sought visitation and how visitation would occur should the grandparent live out of state or out of the country.

Joseph Doyle addressed the Council. Mr. Doyle gave a brief synopsis of his experiences dealing with the child support system. Mr. Doyle expressed concern with the direction of the Committee and that Conrad Green was the only voice speaking for noncustodial parents. Mr. Doyle expressed an interest in meeting with Senator Petersen to discuss his views. Senator Petersen encouraged Mr. Doyle to contact his office and invited Mr. Doyle to put his concerns in writing to be shared with the members of the Council.

### **Next Meeting of the Council**

The next meeting is scheduled for March 2, 1999, from 12:00 a.m. to 2:00 p.m. telephonically.

### **Adjournment**

The meeting was adjourned by Senator Petersen at 2:00 p.m.