

CHILD SUPPORT COMMITTEE
MEETING MINUTES
Arizona Courts Building
1501 W. Washington, Room 119A/B
Phoenix, Arizona
October 12, 2007

PRESENT:

Co-Chairs

- Honorable Peter Hershberger
- Honorable Thayer Verschoor

Members:

- Honorable Manuel Alvarez
- Robert Barrasso
- Theresa Barrett
- Honorable Kimberly Corsaro
- Honorable Rebecca Rios
- Kim Gillespie
- Designee Don Vert, for Honorable Michael Jeanes
- Michelle Krstyen
- Ezra Loring
- Brandon Maxwell
- Bianca Varelas-Miller
- Russell Smoldon
- Honorable Colleen McNally
- Veronica Hart-Ragland
- Honorable Gilberto Figueroa

STAFF:

Kathy Sekardi
Lorraine Nevarez

Administrative Office of the Courts
Administrative Office of the Courts

CALL MEETING TO ORDER

Representative Hershberger, Co-Chair, called the meeting to order at 10:10 a.m. Co-chair Representative Hershberger welcomed new member Brandon Maxwell.

APPROVAL OF MINUTES

The July 6, 2007 and September 14, 2007 minutes were presented for approval.

Motion: A motion was made to approve the July 6, 2007 and September 14, 2007 minutes as presented. Seconded.

Vote: Minutes approved unanimously.

ARIZONA PUBLIC OPINION SURVEY

Dr. William Fabricius, Associate Professor, Arizona State University reported on a recent study which asked four public opinion questions regarding (1) Living arrangements for children (2) Custody awards based on presumptions (3) Joint custody and equal access to both parents and (4) Opinion as to whether Father's disengagement after divorce is "almost normal." The presentation was based on preliminary results in this on-going study.

CHILD SUPPORT PASS-THRU PROPOSED LEGISLATION

Susie Cannata, lobbyist for the Wm. Morris Institute for Justice, reported on the Deficit Reduction Act and the child support pass-thru which the feds make available to states to pass more money through to families in need. The CSC members seemed to be supportive of the concept; however, they are concerned about the financial impact this program could have on the state.

Motion: A motion was made to approve the public policy behind the child support "pass-through" to families as permitted by the Deficit Reduction Act on the condition that the legislature was able to provide funding to DES to make the necessary changes to its automation to effectuate the change and also to make up for the loss of revenue. Seconded.

Vote: Recommendation for support from CSC approved unanimously.

DISCUSS REVISION OF HB2211 A.R.S § 25-817

Sarah Youngblood, attorney with Community Legal Services, addressed her concerns regarding HB2211 that was proposed last session through the CSC. This bill allows the court to order temporary parenting time and custody orders pending determination of paternity. Her concerns are the following: (1) it allows the court to enter a custody order pending the determination of paternity and (2) the court is able to award custody without a paternity test. The committee referred the HB211 to the Statute Review Workgroup to evaluate the language.

DISCUSS REVISION OF A.R.S. § 25-320

Kim Gillespie gave an update on the amended A.R.S. § 25-320. The proposed change to the bill is "Applicable State or...Whichever is higher".

Motion: A motion was made to add language to ARS. § 25-320 language making it clear that the court has discretion to consider income inputted at the state or federal adult minimum wage whichever is higher. Seconded.

Vote: Recommendation for support from CSC to add language to A.R.S. § 25-320 approved unanimously.

DISCUSS REVISION OF A.R.S. § 25-681(D)

Don Vert gave an update on A.R.S. § 25-681(D). This is the Child Support Arrest Warrant that the Child Support created years ago. In the current statute, section D it discusses using a fax to receive the judges signature and with new technology (i.e. electronic signature) the Clerks office has proposed that the current language in A.R.S. § 25-681(D) be deleted. This would eliminate the requirement of having a fax with the judges' signature.

Motion: A motion was made to delete language to ARS. § 25-681(D). Seconded.

Vote: To delete language to A.R.S. § 25-681(D) approved unanimously.

DISCUSS REVISIONS TO A.R.S. § 25-513

Kim Gillespie gave an update on the employer cooperation statute it essentially requires the employers to provided information to find out their benefits and income. In reviewing, it does not seem equitable because the current language in (A) it talks about getting information concerning the person who is obligated to pay support. Then in paragraph (F)(4) it discuss being able to locate information for a person who is obligated to pay support. The Statute Review workgroup would like to see consistency so that both parties can receive information regarding locate and financial information.

Motion: The statute Review workgroup would like to continue to develop clearer language but would like to have the concept approved in theory by the Child Support Committee.

Vote: To continue to have the Statute Review workgroup make the language clearer and consistent approved unanimously.

DISCUSS HB2594 AND REVISIT A.R.S. § 25-510(G)

Kim Gillespie gave an update on HB2594. Last year this Committee worked on this bill to keep past support judgments from increasing by the addition of interest. Past support judgments are entered at the time the first child support order is established. This often happens in paternity cases. The current language needs clarification from the workgroup.

Kim Gillespie also gave an update on the amended A.R.S. § 25-510. A change was proposed that allows credit against support arrearages shall be made only by written affidavit of direct payment or waiver of support arrears signed by the person entitled to receive the support or by that person and the person ordered to make the support payment. Also, a change was made to clarify that any credits against support arrearages shall be applied as of the dates contained in the affidavit, or date of affidavit if no date is specified.

Motion: For the Child Support Committee to approve the changes being made in A.R.S. § 25-510 to (E) and an addition to an new (F) and (G) going forward with the legislation with the consideration that the final language should be as recommended by the experts at legislative counsel but the concept be approved.

Vote: To approve the concept of the changes to A.R.S. § 25-510 approved unanimously.

WORK GROUP REPORTS

A. STATUTE REVIEW WORKGROUP

The statute review workgroup worked on A.R.S. 25-510 and would like approval of the new language. This is regarding a change in an agreement to a waiver or an affidavit of what has been paid directly and giving credit to the support payer. To change the language so that it can be signed by both parties or the person whom receives the support.

Motion: To approve this legislative change as part of the legislative package for the child support committee in 25-510.

Vote: To approve the legislative change to A.R.S. § 25-510 approved unanimously.

CALL TO THE PUBLIC

No public present.

Representative Hershberger proposed to vacate the October 26th full committee meeting and plan for the following Child Support Committee on November 9th. The October 26th meeting timeframe can be used for the Statute Review Workgroup.

NEXT MEETING

November 9, 2007

10:00 a.m. – 2:00 p.m.

Judicial Education Center

ADJOURNED

Representative Hershberger, Co-Chair, adjourned the meeting at 11:50 a.m.