

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

SECOND QUARTER REPORT 1998

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CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

Members

Cochairs: **Senator David Petersen**
Representative Winifred “Freddy” Hershberger

Judge Mark Armstrong
Domestic Relations Judge (Urban)

Jodi Beckley
Executive Assistant
Office of the Governor

Linda J. Blessing, D.P.A.
Director
Department of Economic Security

Kirk Burtch
Division Chief
Office of the Attorney General

David K. Byers
Administrative Director of the Courts

Honorable Robert Duber II
Domestic Relations Judge (Rural)

Conrad Greene
Noncustodial Parent
Appointed by Senate President

William Hurst
Joint Custody Parent Appointed by House
Speaker and Senate President

Honorable Michael Jeanes
Clerk of the Superior Court

Honorable Sandra Kennedy
Arizona State Senate

Nancy Mendoza
IV-D Child Support Director,
DES Division of Child Support Enforcement

David Norton
Noncustodial Parent
Appointed by Senate President

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

Honorable Rebecca Rios
Arizona House of Representatives

Debora Schumacher
Custodial Parent
Appointed by Senate President

Chuck Shipley
Business Representative
Appointed by Senate President and
House Speaker

Paul Smith
County Attorney's Office Providing
Enforcement Services (Rural)

Bianca Varelas
County Attorney's Office Providing
Enforcement Services (Urban)

Honorable Richard Weiss
IV-D Commissioner

Vacant
Custodial Parent
Appointed by House Speaker

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Membership

The cochairs announced the appointment, by Chief Justice Zlaket, of Judge Mark Armstrong to the urban county domestic relations presiding judge position on the Council. Judge Armstrong replaces Judge Barry Schneider as Presiding Domestic Relations Judge in Maricopa County. The Council continues to have a vacancy for a custodial parent to be appointed by the Speaker of the House.

Meetings

One Council meeting was held during the second quarter, May 27. During the course of the meeting, the Council reviewed legislation, heard from standing work groups, heard public comments, and planned for future meetings. The meeting was co-chaired by Representative Hershberger and Senator Petersen.

Senate Bill 1132 - Domestic Relations Omnibus

The Council bill was signed by Governor Hull on May 29, 1998, and assigned chapter number 280 by the Secretary of State. (See attached)

The bill was amended in the House and sent to conference committee where a technical amendment was made. The amendment allows a minor married to an adult to enter into a contract.

Work Group Reports

Clean Up Child Support Statutes

The work group presented draft legislation that would remove the current time limitations on child support judgments. The work group was instructed to report back to the Council on the number of other states that have no limitation on the collection of child support judgments. Members questioned how the changes would effect judgments that have not expired and how lien releases would be processed if the proposal passed the legislature.

Centralized Processing of Non-IV-D Payments

The work group reported that additional members have been added to include several people with 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. The work group continues to investigate the computer connections that are necessary for the Superior Court clerks to access the state case registry system and how best to provide training.

Public Education

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. The Council was supplied with a document summarizing the topics discussed by the work group and the priority given to each topic. The recommendation of the work group was to concentrate on disseminating information about 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.

Fatherhood Initiatives

Senator Petersen formed a new work group to examine ways of getting fathers more actively involved in their children's lives and how to encourage unmarried fathers to establish paternity. Senator Petersen assigned Kat Cooper, Nancy Mendoza, Commissioner Ostapuk, and Alice Rose Thatch to the work group.

Legislative Updates

Senate Bill 1133, was enacted as Laws 1998, Chapter 135, codified as Arizona Revised Statutes sections 25-901 through 25-906. The bill 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.

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.

House Bill 2142, Chapter 294, 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 court's 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; addressing protective orders against and on behalf of minors; 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, Chapter 303, creates a new crime of aggravated domestic violence applicable to repeat offenders and appropriates some funding for supervised probation for misdemeanor domestic violence offenders; House Bill 2189, Chapter 37, establishes the crime of aggravated harassment, applicable when the defendant commits harassment and either is subject to a valid, effective order of protection or injunction against harassment in favor of the same victim or has been convicted of a previous domestic violence offense involving the same victim.

House Bill 2451, Chapter 260, 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.

Council Protocols

Council members were instructed 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. Work group members were also asked to notify staff of any changes that occurred to phone numbers, addresses, and work group assignments.

Future Council Meetings

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. Work groups will develop their own schedules.

Prepared by Council Support Staff:

Domestic Relations Division
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 411
Phoenix, Arizona 85007