

CHILD SUPPORT COMMITTEE
MEETING MINUTES - SEPTEMBER 24, 2002

PRESENT:

Rep. Peter Hershberger
Sen. David Petersen
Hon. Mark Armstrong
Robert Barrasso
Karen Kretschman (for David Byers)
Charles DiGeronimo
Kym L. Hull
Kat Cooper (for Hon. Michael Jeanes)

Russell Smoldon
Michelle Krstyen
Ezra Loring (for Jodi Beckley)
Suzanne Miles
David Norton
Susan Tunks (for Benidia Rice)
Hon. Rhonda Repp
Chuck Shipley

NOT PRESENT:

Hon. Kathi Foster
Hon. Ramon Valadez
Hon. Monica Stauffer

Bianca Varelas-Miller (for John Clayton)
Kim Gillespie

Staff:

Megan Hunter

Isabel Gillett

GUESTS:

Stacy Wekey
David Hamn
Anna Bronnenkant
Deborah Bryant
Judy Bushong
Kathy Seeglitz
Theresa Barrett
Marianne Hardy

Governor's Office
Parent
Custodial Parent
Attorney General's Office
Superior Court in Maricopa County
Department of Economic Security
Administrative Office of the Courts
House of Representatives

CALL MEETING TO ORDER

Rep. Hershberger

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

ANNOUNCEMENTS

Rep. Hershberger

This is the first meeting of the newly created Child Support Committee created by Senate Bill 1088 which became effective August 22, 2002.

REVIEW OF MINUTES

Rep. Hershberger

Minutes of the May 28, 2002 meeting were not approved because those minutes were from the old Child Support Coordinating Council Subcommittee. The minutes from the May 28, 2002 meeting were provided for review purposes only, with no changes or corrections found.

INTRODUCTIONS

Rep. Hershberger

Members introduced themselves, giving names and positions on the Committee. All positions are currently filled.

STRUCTURE AND PURPOSE OF COMMITTEE

Rep. Hershberger

Representative Hershberger reviewed the charge of the new committee pursuant to Senate Bill 1088 that was signed into law with an August 22, 2002 effective date. The previous overarching Child Support Enforcement and Domestic Relations Reform Committee and both Subcommittees were eliminated, and the newly created Child Support Committee and Domestic Relations Committee are now statutorily separate committees with no requirement to report to or meet with each other.

The charge of the new committee remains much the same as the old CSCCS charge with the addition of reporting on recommendations regarding child support guidelines. The committee must submit an annual written report reflecting its recommendations to the President of the Senate, Speaker of the House of Representatives, the Governor and the Chief Justice of the Supreme Court. Child support-related legislative proposals should be routed through the Child Support Committee prior to introduction.

All positions remained the same from the old Subcommittee to the new Committee.

The Statute Cleanup workgroup has been meeting since early spring to develop the 2003 legislative proposal package.

A.R.S. § 12-1551

In 1999, two separate bills with revisions to this section were passed. The proposal combines language from both versions into one and clarifies that the judgment renewal requirements do not apply to written orders for child support and spousal maintenance.

MOTION: Add A.R.S. § 12-1551, as drafted, to the 2003 legislative proposal package.

Motion was seconded and passed unanimously.

A.R.S. § 25-323.01

This section establishes the Child Support Committee and its membership. One of the twenty-two membership positions is county attorney from an urban county. The proposal eliminates that position from statute due to a transition of Pima County's child support program from the county attorney to the state; county attorney offices operate no other urban child support programs.

MOTION: Add A.R.S. § 25-232.01, as drafted, to the 2003 legislative proposal package.

Motion was seconded and passed unanimously.

A.R.S. § 25-502

Current language is unclear regarding whether the county to which a case is transferred has jurisdiction over all case matters and whether that county retains the case file or sends it back to the originating county. Also unclear is whose responsibility it is to issue a transfer order. The proposal clarifies: 1) that the county transferring the case does not retain a copy of the court file; 2) the county to which a transfer is made retains the court files for all purposes; and 3) the clerk of court issues the transfer order.

Members pointed out that the county who retains the court files also retains venue. Proposed language should include "venue."

MOTION: Add A.R.S. § 25-502, with an amendment which adds "venue" in section G, to the 2003 legislative proposal package.

Amended motion was seconded and passed unanimously.

A.R.S. § 25-510

The workgroup will address this statute at the next Committee meeting after language is finalized.

A.R.S. § 44-1692

Language in the current statute alternates between “consumer” and “obligor” when referring to the same individual. Current language also indicates that a consumer report may be used to determine an obligor’s capacity to pay child support; using the definition provided within the statute, obligor means “the legal father” of a child. The proposal clarifies that: 1) the consumer has been determined to be the parent of a child to whom a support obligation relates; and 2) the Department of Economic Security or its agent may obtain a credit report for a mother who is an obligor.

MOTION: Add A.R.S. § 25-502, as drafted, to the 2003 legislative proposal package.

Motion was seconded and passed unanimously.

A.R.S. §§ 25-320, 25-327, 25-500, 25-501, 25-503, 25-804, 25-809

Creating a specified age (such as eighteen, eighteen and six months, or nineteen) for the duration of child support would: 1) provide a means to automatically calculate an end date for the obligation of child support and would allow for automation to stop or modify an income withholding order through the IV-D agency and/or possibly the courts; 2) reduce the number of actions filed to stop or modify income withholding orders with the courts; 3) provide better customer service to obligors and obligees because both will have a date certain for the end date of support; and 4) eliminate disputes regarding whether a child who leaves high school after 18 and then re-enrolls is to be supported. The duration of support could be terminated earlier than the new fixed age based upon a court’s finding that a child is emancipated by some event.

A proposal has not been developed for presentation to the CSC; instead, the Statute Cleanup workgroup asked for direction from the committee. Committee members commented that more research should be conducted before the Committee considers it.

MOTION: Refer the “duration of support” issue to the Guidelines workgroup; the Guidelines workgroup should draft a recommendation for the Child Support Committee.

Motion was seconded and passed unanimously.

DCSE 2002 Legislative Proposals

Susan Tunks

The Division of Child Support Enforcement provided an overview of their 2003 legislative proposals (see below). Drafts are not yet complete; Representative Hershberger asked Susan Tunks to bring the drafts to the next CSC meeting.

- **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 a witness instead of a notary public.
- **Remove statute of limitations on collection of past due child support.**
Current law requires a custodial parent to file a formal written judgment in the court to collect past due child support; the proposal would release the custodial parent of that requirement.
- **Provide administrative authority to DCSE to establish paternity in uncontested cases.**
Current law allows for paternity establishment through a variety of procedures. The proposal would provide administrative authority for the child support agency to establish paternity when both parties are in agreement.
- **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.
- **Provide administrative authority to DCSE to establish child support orders in uncontested cases.**
Current law allows for establishment of child support through the court only. The proposal would provide administrative authority for the child support agency to establish child support when both parties are in agreement.
- **Provide administrative authority to DCSE to modify a court order in uncontested cases.**
Current law allows for modification of child support through the court only. The proposal would provide administrative authority for the child support agency to modify child support when both parties are in agreement.
- **Require employers to convert their child support wage assignment payments to a monthly basis.**
Some employers pay on a bi-weekly basis, which causes some payors to appear to be in arrears on a constant basis. The proposal would require employers to convert to a monthly wage assignment payment basis (similar to the method used by employers to pay health insurance).

NONDISCLOSURE OF INFORMATION (NDI) WORKGROUP

Annmarie Mena

Annmarie Mena, on behalf of Benidia Rice, reported that the NDI workgroup met in June to discuss a request from the clerk's office. The clerks want authorization from the CSC to place the NDI on cases where child abuse may be present, which fulfills the federal requirement in its entirety.

MOTION: Authorize the clerks to set the NDI on child support cases when child abuse is made known to the attention of the clerk.
Motion was seconded and passed unanimously.

GUIDELINES WORKGROUP

Megan Hunter

The Arizona Child Support Guidelines review is underway with the awarding of a contract to perform the economic analysis and case file review to Policy Studies, Inc., Denver, Colorado. The reports should be complete by January 31, 2003. Ongoing state fiscal problems should be kept in mind during the guidelines review process.

The Guidelines workgroup will hold its first meeting on October 31, 2002 with Laura Morgan of Family Law Consulting and author of Child Support Guidelines: Interpretation and Application. She has lectured extensively on child support guidelines nationwide and has acted as consultant to numerous state governments, including Arizona, and the federal government of Canada on the issue of child support guidelines. Anyone wishing to serve on the workgroup should contact Megan Hunter.

CENTRALIZED PAYMENT PROCESSING WORKGROUP

Megan Hunter

Megan Hunter, on behalf of Hon. Monica Stauffer, provided the report. The CPP workgroup's last meeting was in April. The report included September totals for receipts, pending payments, and unidentified payments.

POST-SECONDARY SUPPORT PROPOSAL

**Anna
Bronnenkant**

Child support in Arizona extends to the age of 18 or the end of high school. Post-secondary support is not considered in Arizona. Anna Bronnenkant, a parent, offered two post-secondary support proposals for consideration by the Committee: 1) revise child support laws to allow for child support, including medical support, to continue until the child reaches the age of 23; or 2) provides for college support for children who remain dependent on their parents after majority.

Members were generally not supportive of either proposal; however, Representative Hershberger offered to form an informal workgroup to further study the issue at Ms. Bronnenkant's request.

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 will provide a preliminary list for the October meeting, then meet with the Committee in November to develop the plan.

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 October 22, 2002, in the State Courts Building, Room 119, Phoenix.

ADJOURNMENT

Rep. Hershberger

Rep. Hershberger adjourned the meeting at 1:43 p.m.