



Quarterly Report of the

*CHILD SUPPORT
COORDINATING COUNCIL
SUBCOMMITTEE*



(Third Quarter 1998)



CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

THIRD 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 Rhonda Repp
IV-D Commissioner

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)

Vacant
Custodial Parent
Appointed by House Speaker

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Summary

The Subcommittee held a meeting on August 26 to review recommendations on child support issues developed by the standing work groups and to receive reports about new laws and other related matters. The Clean Up Child Support Statutes Work Group continues to refine a proposal to clarify child support judgment statutes. The cochairs are considering appointments to fill the vacant membership position.

Membership

The cochairs announced the appointment, by Chief Justice Zlaket, of Commissioner Rhonda Repp of Superior Court in Yavapai County to fill the IV-D Commissioner position. Additionally, Mr. Michael Jeanes was formally appointed by Chief Justice Zlaket to fill the position designated for a Superior Court Clerk. Mr Jeanes had been serving in place of Judith Allen. The

Council continues to have a vacancy for a custodial parent to be appointed by the Speaker of the House.

Reports

The full Council met once during the third quarter of 1998. The meeting of August 26, 1998, provided a full agenda of information and reports. Presentations included a review of 1998 legislation in the domestic relations area, a summary of the five year strategic agenda of the Arizona Supreme Court, information about the Family Court Committee and service provided by the Department of Economic Security to noncustodial parents. The Council's standing work groups also reported the progress of deliberations.

New Legislation

Nancy Swetnam, Legislative Officer with the Arizona Supreme Court Administrative Office of the Courts, reviewed recent domestic relations legislation. Among the new laws enacted in 1998 were (by bill and chapter number):

SB 1132; Chapter 280

Developed by the Child Support Coordinating Council Subcommittee of the Legislature, this law amends various statutes

in the domestic relations area. Principal features are provisions advancing termination of the marital community to the date of service of a petition for dissolution of marriage or legal separation; expanding the domestic relations education on children's issues programs to additional paternity cases; consolidating and revising the laws governing orders of assignment; and codifying a hierarchical formula for distribution of support payments in non title IV-D cases by the centralized payment processing center.

SB 1133; Chapter 135

This law creates a new type of marital union called "covenant 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. 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. Existing marriages may be "converted" to covenant marriages.

HB 2106; Chapter 229

This law amends A.R.S. § 13-1302, clarifying present language that appears to require that in order to commit custodial interference, the child involved must be incompetent.

HB 2359; Chapter 246

This legislation amends several sections of law relating to guardianship of minors and conforms Arizona statutes to the Uniform Durable Power of Attorney Act of the Uniform Probate Code by recodifying existing laws regarding powers of attorney.

HB 2451; Chapter 260

Arizona's child support laws are amended by this law as required by federal law. The most significant provisions require further reporting of 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); and drivers (section 22-3158) and recreational (25-320) licenses.

HB 2142; Chapter 294

Proposed by the Supreme Court Committee on the Impact of Domestic Violence and the Courts, this law contains various amendments to state laws regarding domestic or family violence protection orders. Among other things, the provisions reduce the filing fee for an injunction against harassment from \$10 to \$5; effective January 1, 1999, extend the effectiveness of protective orders to one year, rather than six months, from the date of service; rephrase for ease of understanding the relationships that satisfy the statutory definition of domestic violence; alter the standard and procedures regarding surrender of firearms by a defendant subject to an order of protection; amend existing law to specify that an order of protection may direct the defendant to complete a domestic violence offender treatment program; and add to state law provisions consistent with federal law requiring that full faith and credit be granted to protective orders of other states and Indian tribes.

HB 2189; Chapter 37

This law adds additional acts to those defined as criminal harassment; alters the definition of stalking and creates a new felony crime of aggravated harassment.

SB 1175; Chapter 303

The legislation creates a new felony crime of aggravated domestic violence applicable to repeat offenders.

The general effective date for new laws was August 21, 1998. Ms. Swetnam also reported on two bills that failed to pass the Legislature in 1998 (referred to by bill number):

1. HB2164. This bill resulted from a joint study by the Subcommittee and the Child Support Coordinating Council Subcommittee of child support, visitation and custody by in loco parentis parents. Recommendations were made to clarify the rights and responsibilities of persons granted custody under the applicable statute.

2. SB1368. In its final version, this bill embodied three separately introduced bills (SB1368, SB1370 and SB1371) and other provisions. Generally, the bill touched a variety of areas including access by parents to records and information about their children; removal of civil immunity for mental health professionals

who assist the courts in custody cases; and violation of court-ordered visitation. One section of the bill proposed to replace the terms “custody “ and “visitation” in state statutes and to require parenting plans in all actions for dissolution of marriage or legal separation involving minor children. A similar proposal was drafted by the Courts and Substantive Law Work Group and introduced in the Legislature in 1997. The Subcommittee debated but declined to propose introduction again in 1998, preferring instead to refine the measure.

Justice 2002

Dave Byers, Director of the Administrative Office of the Courts offered information on Justice 2002, the five-year strategic agenda of the Chief Justice of the Arizona Supreme Court. The overall goal of Justice 2002 is to improve and continue to build more public trust and confidence to the Arizona court system. Mr. Byers summarized the four major categories of projects within the agenda.

1. *Protecting Children, Families and Communities.* Courts protect children, families and communities by treating them fairly and giving them an equal voice. The courts will better serve these groups by, for example, improving how children and families are served in dependency cases and ensuring that juvenile detention

facilities are available, safe and secure. Among other projects in this category is a Family Court Committee established by the Chief Justice to study how family cases are processed and determined in the Superior Court.

2. *Providing Access to Swift, Fair Justice.* Citizens, victims, litigants, and defendants deserve access to a fair and swift process for resolving civil or criminal disputes. The court system must ensure that resources are adequate to achieve this goal. Central to this goal are projects to reduce felony case processing delays by increasing resources for courts, prosecutors and public defenders; process most criminal cases (90%) within 100 days; provide assistance for litigants who do not have a lawyer; modernize the courts through the use of technology; and provide adequate facilities for citizens and employees utilizing the courts.

3. *Connecting with the Community.* Courts and judges should be independent and free of outside influence; however, they should not be isolated from their communities. The Judicial Department will implement various programs to improve how it listens to the communities and establish effective methods of communication between citizens and the courts. Included are programs to develop opportunities for effective communication between the courts and the community and to develop on-going ways to gather "citizen satisfaction" information.

4. *Being Accountable.* The court system must use resources wisely and achieve desired results. This objective requires establishing and meeting court standards, performance-based budgeting and on-going strategic planning.

Family Court Committee

Judge Mark Armstrong, Presiding Judge of Family Court Department in Maricopa County, presented the Council a recap of the work of the Committee studying formation of a Family Court. Additionally, Judge Armstrong announced several changes implemented by Superior Court in Maricopa County, where the Domestic Relations Department has been designated as the Family Court Department.

The Family Court Committee was established by the Chief Justice of the Arizona Supreme Court to examine the manner in which cases involving family issues are processed and determined in the Superior Court. The Committee was tasked to review jurisdictional issues, judicial selection and case management; to review other state's methods for promoting the fair, prompt and uniform resolution of family-related cases and to suggest additions or amendments to current rules or procedures or other measures, leading to system improvements. Among the models being

considered is a family court, already adopted in some form by a number of other states.

A preliminary report was submitted by the Committee in October 1998, with a final report due in December, 1998. The preliminary report recommended that a family court be established as a department of the Superior Court in each county, having general jurisdiction and dealing with all domestic relations cases, juvenile court cases and guardianship of minor cases that are currently heard in the probate court. Judge Schneider invited members of the Subcommittee to review the preliminary report and provide suggestions for improvement.

Services to Noncustodial Parents

Nancy Mendoza, IV-D Child Support Director, provided information on services offered by Department of Economic Security, Division of Child Support Enforcement (DCSE) to meet the needs of noncustodial parents. DCSE trained staff for the City of Phoenix, Mesa Community College and Head Start about issues relating to paternity and support enforcement. The program staff will then educate unwed fathers about the benefits of establishing paternity. The state is also providing Welfare to Work Programs to noncustodial parents, under certain criteria, for federally funded job training. Additionally, grant funding is available again this for

access and visitation grants. Forms and materials have been sent to the counties.

Work Group Reports

Clean Up Child Support Statutes

The work group discussed various legislative proposals that would remove or change the current time limitations on child support judgments. The work group was instructed to report back to the Council with draft legislation. Members of the Council were concerned that a party be compelled to act soon after emancipation of the last child. Members stated the shorter time frame could lead to a more accurate arrears calculation, before historical materials are lost or memories fade.

Centralized Processing of Non-IV-D Payments

The work group reported that progress continues in obtaining the necessary computer connections between the Department of Economic Security and the Superior Court Clerks. The work group has decided not to suspend payment distribution in excess of the court order in non-IV-D cases. The workgroup informed the Council how the system will handle domestic violence indicators, duplicate docket numbers, and the potential calculation of arrearages. Plans have been implemented to provide

training to all participants prior to going live with the centralized payment processing center.

Public Education

Public Information Officers from the Department of Economic Security, the Administrative Office of the Courts and Maricopa County Clerk's Office presented plans detailing the three areas where the workgroup is concentrating their efforts. The workgroup explained the efforts made to stretch resources by using the media to help spread the message about centralized payment processing, new hire employer reporting and services to noncustodial parents.

Fatherhood Initiatives

A charge to the workgroup is an open item for the next Council meeting.

Employment Referral Agencies and Wage Assignment Workgroup

The workgroup is currently at a standstill.

Future Council Meetings

The next meeting is scheduled for November 12, 1998, from 10:30 a.m. to 2:30 p.m. at Senate Hearing Room 1. Work groups will develop their own schedules.

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