

CHILD SUPPORT COMMITTEE
MEETING MINUTES
Arizona Courts Building
1501 W. Washington, Phoenix, Arizona
August 11, 2006

PRESENT:

Co-Chairs

- Honorable Peter Hershberger
- Honorable Ron Gould

Members:

- Honorable Manuel Alvarez
- Robert Barrasso
- Honorable Bill Brotherton
- David Byers
- Honorable Kimberly Corsaro
- Honorable Norm Davis
- Kim Gillespie
- Leona Hodges (Designee - AnnMarie Mena)
- Dr. Curtis James
- Honorable Michael Jeanes
- Michelle Krstyen
- Ezra Loring
- Chuck Shipley
- Russell Smoldon
- Honorable Monica Stauffer
- Bianca Varelas-Miller

STAFF:

Theresa Barrett	Administrative Office of the Courts
Kim Ruiz	Administrative Office of the Courts
Dan Brown	Arizona House of Representative
Barbara Guenther	Arizona State Senate
Kim Martineau	Arizona State Senate

GUEST:

Professor Ira Ellman

CALL MEETING TO ORDER

Representative Hershberger called the meeting to order at 10:10 a.m. with a quorum present.

ANNOUNCEMENTS

Megan Hunter's last day with the AOC was July 28. Kim Ruiz will be staffing the Committee until a permanent replacement is found. There were no other announcements.

APPROVAL OF MINUTES

With a quorum present, the minutes were approved.

Motion: Senator Brotherton moved that the presented draft of the December 6, 2005 minutes be approved.

Vote: Minutes approved unanimously.

2006 LEGISLATIVE SUMMARY – KIM MARTINEAU

Kim Martineau provided members with an overview of child support-related and domestic relations - related legislation. Member's comments are indicated in relevant sections under "Comment(s)". The general effective date this year is September 21, 2006.

BILL	CHILD SUPPORT - STATUS
HB2292	(Recommended by this Committee) Signed by the Governor on April 21, 2006 and will become effective the general effective date.
SB1194	Never received a third read in the Senate, so this bill did not pass into law this session. Comment(s): The sponsor pulled this bill.
SB1294	Failed in the House Judiciary Committee; similar provisions passed in another bill.
HB2026	Did not receive a hearing in the House Judiciary Committee, so this bill did not pass into law.
HB2279	Did not receive a hearing in the House Human Services and Rules Committee, so this bill did not pass into law this session.
HB2342	Signed by the Governor on April 12, 2006 and will become effective on the general effective date.
HB2488	Signed by the Governor on April 25, 2006 and will become effective on the general effective date. Comment(s): Sections of this bill address the Hayden case and the elimination of the three year limit.
HB2561	Did not receive a hearing in the House Ways and Means Committee, so it did not pass into law.

BILL	DOMESTIC RELATIONS - STATUS
SB1087	Signed by the Governor on May 2 and will become effective on the general effective date of September 21, 2006.
SB1267	Emergency measure. Signed by the Governor on June 21 and went into effect immediately due to the emergency clause.
HB2716	Neither version passed committee. HB2716 was held in the House Human Services and House Rules Committee. The latter striker version (HB2413) was held in the Senate Family Services Committee. Proponents of the legislation will continue to work on it and propose a similar bill in the next legislative session.
HB2559	Vetoed by the Governor on June 28, 2006.
HB2794	Did not receive a hearing in the House Judiciary Committee, so it did not pass into law this session.

BILL	DOMESTIC VIOLENCE - STATUS
SB1097	A strike everything amendment was adopted in Senate Family Services. Another strike everything amendment passed the House and was vetoed by the Governor.
SB1147	Signed by the Governor on May 2, 2006 and will become effective on the general effective date.

ECONOMIC STUDY WORKGROUP - KIM GILLESPIE & IRA ELLMAN

Kim Gillespie gave a brief background of the creation of the Economic Study Workgroup, which emerged from the last Child Support Guidelines Review Committee. Professor Ellman presented to the Child Support Committee in 2004 the need for a study committee to be created to look at the issues of the economic basis behind the child support guidelines before the next guideline review. The Economic Study Workgroup was established in January 2005 to look at the economic principles behind the numbers. Kim noted that federal law requires that states review their Child Support Guidelines every four years. Arizona's guidelines are due to be reviewed in 2007. The Workgroup's report proposes the following:

- "Surprises" arise that have an impact on children when the parents have disparate incomes. Particularly when the custodial parent has an income much lower than the obligor's. This situation causes a significant drop in the living standard for the household in which the child is living.
- This report recommends the type of information that the Guidelines Review Committee should have access to when making decisions. In past reviews a consultant has been retained to update only the existing schedule data. The workgroup recommends that the consultant be asked to provide a whole new type of data.
- The economic data provided to the next Child Support Guidelines Committee should be "forward looking" data that allows the committee to see the impact of the award on the families as they exist today, rather than backward at the single family household that no longer exists.
- A pilot study has been conducted by Ira Ellman and associates looking at people's attitudes toward child support and what they feel the purpose of child support should be.
- Currently the majority of cases have no great problems; rather it is the cases with a gross disparity of incomes between families that the current system does not function effectively.

The Committee members had the following comments and questions:

- In a significant portion of the total child support cases in Arizona the parents were never married (potentially 35 – 45%). In many of these cases the parents never shared an intact household lifestyle or previous relationship, so there is no change of lifestyle for either or the child.
- Ira suggested the forward looking data was at least as reliable as the current data, possibly better.
- Consensus was, for the majority of cases the current data is accurate and reliable.
- There was not consensus on the third proposed purpose of child support on page one of the report.

- An issue for next Guideline Review Committee to consider is simplification of the guidelines and the calculation process. It was argued this would achieve public policy benefits and cost benefits.
- The report does not provide an option of collecting both types of data (current data and proposed “forward” data). It was suggested that, at a minimum, the existing data will need to be updated to maintain the ability to update the current schedule if it is determined to be most reliable.
- The Guidelines Committee is appointed by the judiciary and reports to the Child Support Committee and to the court.
- Concerned was voiced that if the Guidelines Review Committee proposal potentially leads to a major shift in public policy it could pose a challenge for the courts to adopt the recommendations. Committee consensus was that public policy debates need to occur in the legislature not the courts.

Motion: The Committee accepts the Economic Study Workgroup report in terms of asking for additional information and recommends the Court incorporate the proposed questions in section VI(C), on page four of the report, in the RFP for the consultant hired to update the current schedule. In addition to collecting the proposed “forward thinking” data, the Committee further recommends obtaining data based on the methodology used in previous reviews for the next Child Support Guidelines Review Committee’s use and future policy making decisions.. The Committee also recommends exploring simplification of the guidelines. The motion was seconded.

Vote: Approved unanimously.

AUTOMATION WORKGROUP – KIM GILLESPIE

eCalc Update

- The data being used from the state case registry and state disbursement unit has unique identifiers that are numbers.
- The Executive Committee approved the addition of a drop-down menu to search for court case numbers by county as well as ATLAS numbers.
- The programmers have nearly completed the draft, and they are currently in their testing phase.
- The user testing will take place the week of September 4, 2006. The program is internet based, so users can conduct their testing at their convenience. Theresa Barrett is coordinating non-IV-D participants and Kim Gillespie is coordinating IV-D participants.
- After the user testing is complete, the programmers will make any additional changes identified, as feasible.
- The anticipated live date is October 4, 2006.

STATUTE REVIEW WORKGROUP – BOB BARRASSO

The mandate of the Workgroup is to fine-tune language and draft statutory language for items that the full Committee identify, as well as self-generating ideas to bring back to the Committee for consideration.

Committee members were asked to join the workgroup and the following members volunteered:

Bianca Varelas-Miller
Senator Bill Brotherton

The Workgroup Chair reported on the following issues that they are addressing:

- Establish a provision for temporary Parenting Time or Custody Orders while paternity is being established. Currently, the modification made to statute 25-806 which requires the filing of a response to a paternity judgment and eliminated verbal answers, resulted in long delays for fathers attempting to establish custody or parenting time when paternity has not been established. The Workgroup will research other states with provisions allowing temporary Custody Orders for Parenting Time. Discussion points included:
 - This is the exact situation that makes the voluntary acknowledgement of paternity at the hospital so important. It is the equivalent of adjudication on the marriage or a court order, which eliminates the waiting period for paternity when establishing custody.
 - This issue might be addressed better by finding ways to speed up the paternity establishment process, rather than allowing temporary custody for technically a legal stranger.
- There are also a number of topic suggestions from the Child Support Solutions Workgroup that will be presented at the next committee meeting. It was noted that members of the Statute Review Workgroup and the Child Support Solutions Workgroup need to work closely to ensure the issues are communicated accurately.

CALL TO THE PUBLIC

No members of the public made a request to speak to the Committee.

NEXT MEETING

September 15, 2006

10:00 a.m. – 2:00 p.m.

State Courts Building, Room 230

ADJOURNED

The meeting was adjourned at 1:13 p.m.