

CHILD SUPPORT COMMITTEE
MEETING MINUTES
Arizona Courts Building
1501 W. Washington, Room 345
Phoenix, Arizona
January 12, 2007

PRESENT:

Co-Chairs

- Honorable Peter Hershberger
- Honorable Thayer Verschoor

Members:

- Honorable Manuel Alvarez
- Robert Barrasso
- Theresa Barrett
- Honorable Kimberly Corsaro
- Honorable Norm Davis
- Kim Gillespie
- Leona Hodges (Veronica Romero)
- Honorable Michael Jeanes (Don Vert)
- Michelle Krstyen
- Ezra Loring
- Chuck Shipley
- Russell Smoldon
- Honorable Monica Stauffer
- Bianca Varelas-Miller

STAFF:

Kathy Sekardi
Kim Ruiz
Barbara Guenther

Administrative Office of the Courts
Administrative Office of the Courts
Arizona State Senate

CALL MEETING TO ORDER

Representative Hershberger, Co-Chair, called the meeting to order at 10:15 a.m. with a quorum present.

ANNOUNCEMENTS

Representative Hershberger made the following announcements:

- The 2006 Child Support Committee Annual Report has been completed and a copy has been provided for each member.
- The Arizona Coalition Against Domestic Violence is sponsoring the 4th Annual “Stop Violence Against Woman Day”, on February 14 with guest speaker Denise Brown, Nicole Brown’s sister.

- The Committee has vacancies and recommendations from Committee members are encouraged. There are two openings for non-custodial parent. Members can forward recommendations, along with their resume, to Kathy Sekardi, Representative Hershberger or Senator Verschoor.

Kathy Sekardi reported on a survey the AOC has been requested to participate in on presumptive default orders.

- In 2004, the Office of Child Support Enforcement created a National Judicial Child Support Task Force that put together a strategic plan for 2006-07.
- Within the plan there are six goals and one of the goals is to reduce the number of inappropriate and unrealistic child support orders through improved practice and information sharing.
- Three counties have been selected to participate: Maricopa, Coconino and La Paz.
- The scope of the survey is limited to IV-D cases.
- The counties will participate in the survey and a phone interview.

No other announcements.

APPROVAL OF MINUTES

The September 15, 2006 and December 1, 2006 minutes were presented for approval. No discussion.

Motion: A motion was made to approve the September 15, 2006 minutes and December 1, 2006 minutes as presented. Seconded.

Vote: Minutes approved unanimously.

STATUTE REVIEW WORKGROUP LEGISLATIVE PROPOSALS

Bob Barrasso reported on the proposed legislation from the Statute Review Workgroup. The first two items were presented and discussed in the December meeting, but were not approved due to a quorum not being present. Representative Hershberger opened the discussion for a vote.

Folder 791 – Children Temporary Court Orders **Temporary Parenting Time and Custody Orders**

No discussion

Motion: A motion was made to support the presented legislation on Children Temporary Court Orders § 25-817 and forward it on for this legislative session.

Vote: Motion passed unanimous

The bill has been dropped in Representative Hershberger's name.

Folder 797

Redaction of social security numbers in parts of Title 25

No discussion

Motion: A motion was made to support the presented legislation on the redaction of social security numbers in areas of Title 25 and forward it on for this legislative session.

Vote: Motion passed unanimous

The bill has been dropped in Representative Hershberger's name.

Bob Barrasso presented the following proposed legislation from the Statute Review Workgroup for approval:

Folder 795 – Eliminating Interest on Past Support Judgments

The Workgroup requested the approval of the proposed amendment to § 25-510(E) to eliminate interest on past support judgments. The workgroup agreed this option balances the issue of past support judgments growing out of control with interest and realistically collecting on debt owed to the custodial parent. A variety of recommendations were put forth regarding interest and child support judgments and this is the option everyone supported. The automation implementation will also be fairly simple.

No discussion

Motion: A motion was made to support the presented legislation to eliminate interest on past support judgments § 25-510(E) and forward it on for this legislative session.

Vote: Motion passed unanimous

STATUTE REVIEW WORKGROUP REPORT

Bob Barrasso presented the following items which were discussed by the workgroup, without reaching consensus. The workgroup would like to further research information from other states and DCSE before requesting the Committee to move forward on any of the options.

§ 25-510(E)

1. Judicial discretion to eliminate interest on past support after emancipation. The support for this was the “hopeless” case situation where a child support judgment has grown to an unrealistic debt that the non-custodial parent will never get out from under. These non-custodial parents tend to avoid any payments because it seems so hopeless and there is often a financial resource issue. It would be better to have them pay something than nothing. This option gives the judge discretion to adjust the interest on the support after assessing the financial situation and if there is good intention. The workgroup didn’t support this option with the public policy implications of a judge having the discretion to eliminate debt that is owed to the custodial parent. It would also create an automation challenge, requiring manual entries. Bob Barrasso took it to the attorney community for response and there was not support of this legislation.
2. A statement of public policy that it is important for people to bring issues of paternity forward in a timely manner to improve parental involvement and the financial support of children. The workgroup didn’t support this option with the potential backlash of shifting the responsibility from the non-custodial parent to the custodial parents for not collecting support.

Representative Hershberger concluded that there was not overall committee support to research either of the above options at this time, but leaves it open for a future workgroup to analyze.

Elimination of Past Support Provisions

The workgroup would like more time to determine if this is a direction to go. The workgroup drafted three amendments to § 25-320 with varying levels of elimination of the three year past support judgment. The workgroup requests the Committee support to further research:

- Past support policies in other states. California only imposes a past support judgment (up to one year) if it is a public assistance case.
- Calculate what the actual collection rate is on past support judgments before considering eliminating it.

Committee Comments:

- There appears to be two issues. One is to increase collections and the other is to hold parents accountable. At this time, increasing collection rates is priority.
- Regarding collections, we want them to be cost effective while not discouraging fathers from being involved.
- Need to research both missions of getting children supported and encouraging involvement of non-custodial parents.

Representative Hershberger asked the workgroup to research and evaluate past support policies and issues in other states and analyze the current collection rate in Arizona.

CALL TO THE PUBLIC

No public present.

NEXT MEETING

February 9, 2007

10:00 a.m. – 2:00 p.m.

State Courts Building, Room 119 A&B

ADJOURNED

Rep Hershberger, Co-Chair, adjourned the meeting at 10:50 a.m.