

**CHILD SUPPORT COMMITTEE
&
DOMESTIC RELATIONS COMMITTEE
JOINT MEETING
MEETING MINUTES
Arizona Courts Building
Judicial Education Building
Phoenix, Arizona
November 9, 2007**

CHILD SUPPORT MEMBERS PRESENT:

Co-Chairs

- Honorable Peter Hershberger
- Honorable Thayer Verschoor

Members:

- Honorable Manuel Alvarez
- Robert Barrasso
- Theresa Barrett
- Honorable Kimberly Corsaro
- Honorable Rebecca Rios
- Kim Gillespie
- Honorable Michael Jeanes
- Michelle Krstyen
- Ezra Loring
- Brandon Maxwell
- Bianca Varelas-Miller
- Russell Smoldon
- Honorable Colleen McNally
- Veronica Hart Ragland
- Honorable Gilberto Figueroa

GUESTS:

Don Vert, COC, Maricopa County
Amber O'Dell, State Senate
Kendra Leiby, AZCADV
Richard Slatin,
Kyle Routen, AZ Foundation for Legal Services/Education
Stan O'Dell, AZ Foundation for Legal Services/Education
Janet Sell, AZ Attorney General Office

DOMESTIC RELATIONS MEMBERS PRESENT:

Co-Chairs

- Honorable Peter Hershberger (telephonically)
- Honorable Linda Gray

Members:

- Theresa Barrett
- Honorable Tim Bee
- Honorable Andy Biggs
- Honorable David T. Bradley
- Jodi Brown (telephonically)
- Sid Buckman
- Daniel Cartagena
- William Fabricius, Ph.D.
- Barbara Fennell (telephonically)
- Honorable Beverly Frame
- Jeff Hynes
- Linda Leatherman
- David Lujan
- Ella Maley, Ph. D.
- Patti O'Berry
- Honorable Rebecca Rios
- George Salaz
- Ellen Seaborne, J.D.
- Honorable Sarah Simmons
- Russel Smoldon, J.D.
- Honorable Leah Landrum Taylor (telephonically)
- Honorable Thomas L. Wing
- David Weinstock, Ph.D.
- Steve Wolfson, J.D.
- Brain W. Yee, Ph.D.

STAFF:

Kathy Sekardi Administrative Office of the Courts
Lorraine Nevarez Administrative Office of the Courts
Tama Reily Administrative Office of the Courts
Eden Rolland Arizona State Senate

CALL MEETING TO ORDER

Senator Gray, Co-Chair of the Domestic Relations Committee, called the meeting to order at 10:10 a.m.

APPROVAL OF MINUTES- CHILD SUPPORT

The October 12, 2007 minutes were presented for approval.

Motion: A motion was made to approve the October 12, 2007 minutes as presented. Seconded.

Vote: Minutes approved unanimously.

APPROVAL OF MINUTES-DOMESTIC RELATIONS

The September 21, 2007 minutes were presented for approval.

Motion: A motion was made to approve the September 21, 2007 minutes as presented. Seconded.

Vote: Minutes approved unanimously.

LEGISLATIVE DEADLINES

November 15th – 5:00 PM Agency Bill Report
November 15th – Prefiling begins
January 14th – Session begins
January 17th – 5:00PM Seven Bill introduction Limitation Begins in House
January 28th – Last day for House Members to submit bill requests to Legislative Counsel
February 4th – Legislative Council completes house intro Sets
February 11 – Last day for House Bills to be introduced.

DISCUSSION OF SB1190

SB1190 was sponsored by Landrum-Taylor, Rios, and Bradley; however, it did not pass last session. Senator Landrum-Taylor gave a brief explanation of the intent of the SB1190. SB1190 was created to give judges in family court the ability to refer families to different services. The bill was stopped in committee last session. The language in SB1190 has addressed the concerns the legislative body had last session and will be presented at the next DRC meeting.

IFC UPDATE –COCONINO COUNTY

Gary Krcmarik gave an update on the Integrated Family Court (IFC) for Coconino County. An interim report was done by Mark Morris and Associates and Joanne M. Brown Consulting to evaluate the implementation of the Integrated Family Court. The IFC program is doing great. People are able to utilize more services such as supervised visitation, supervised exchanges, drug testing, and drug and

alcohol assessments. The program is saving money, people are not coming back as often and it seems to be efficient and effective.

Committee Comments

How is the funding working for implementing the program?

Response: The program is funded by the legislature through this coming June 2008. The funding is being extended to at least October 31, 2008. The Court has benefited with all the programs and service it can now offer families. Also, there has been more high conflict cases resolved sooner, the number of custody evaluations have significantly decreased, and the referrals going out for custody evaluations are now more issue focused. The cases are going to the integrated family court are resolved about three months earlier.

Do you believe the bulk of the success is related to the fact that Coconino has an Integrated Family Court or that there is more judicial resources that take the time to handle the cases right up front versus rushing them through?

Response: Both methods benefit the court. It helps that all domestic relation cases involving children are sent to one division that has the services available and are able to refer the parties to the appropriate services.

Does the Integrated Court have a property mediator or is that a judicial officer?

Response: There is a list of attorney's that we refer families to (for this service).

How does the governance structure work?

Response: The Administrative Office of the Courts is whom we report to; there is a Board and an Integrated Advisory Committee.

IFC UPDATE-PINAL COUNTY

Paul O'Connell gave a brief update on the progress of the Integrated Family Court pilot program. Currently, Pinal County has been planning on implementing the IFC for the past year. During that time policy and procedures have been completed. Pinal County is planning to commence the IFC calendar sometime in mid December.

Committee Comments

How many judges will be assigned to the IFC?

Response: One judge will be assigned.

Will the assignment of one judge be assigned to only family law cases or will it include juvenile and dependency (matters)?

Response: It will include domestic relations, dependency, and delinquency (matters).

Will the cases that will be assigned to the judge, are they cross-over or will there be a select number of cases?

Response: There will be commonality between all the cases.

What is the structure of governance?

Response: There is the same set of governance as Coconino County.

CHILD SUPPORT COMMITTEE-DISCUSSION OF PROPOSED LEGISLATION

Robert Barrasso, Kim Gillespie and Michael Jeanes discussed and explained the proposed legislation for the upcoming legislative session.

A. A.R.S. § 25-510 and HB2594: Last year, the committee proposed and the legislature passed HB2594. This bill relates to receiving and disbursing support and maintenance monies and judgments for past support. Currently, the bill is in conflict with the language in A.R.S. § 25-510. The Child Support’s Statute Review workgroup is in the process of cleaning up the language to conform with ARS § 25-510.

Committee Comments:

What standard is being used to establish the current 10% interest rate on the arrears?

Response: The 10% interest rate is the rate that is provided for every single civil judgment.

B. A.R.S. § 25-681: The Superior Court in Maricopa County developed a process by which criminal and civil arrest warrants can be electronically issued. They are transmitted electronically to the sheriff’s office that is electronically signed by the judicial office. However, in A.R.S. § 25-681 (D) there is a provision that a facsimile signature of a judicial officer is required. The workgroup would like to delete that language to not only allow for facsimile signatures but to also allow for electronic signatures.

Committee Comments:

If paragraph D is being stricken, where is the replacement language that authorizes the electronic signatures?

Response: By eliminating the current language it is mirroring the language in statute for civil and criminal arrest warrants.

C. A.R.S. § 25-320: The committee has been looking at how to draft language to establish paternity to receive custody orders. A change in paragraph L now reads “at least the applicable state or federal adult minimum wage whichever is higher.” There was discussion and the workgroup will look at revising the language to include imputing minimum wage to custodial parents, when appropriate.

D. A.R.S. § 25-817: Last legislative session, the workgroup revised 25-817 to allow the court, under certain circumstances, to enter temporary child support and temporary parenting time orders. The workgroup is also looking into revising the paternity testing statute to use broader language to update the statute with more modern methods of testing paternity.

Motion: A motion was made to accept the amendment which provides for notice and an opportunity to be heard before any temporary custody or support is ordered, in ARS § 25-817. Seconded.

Vote: Approved unanimously.

DOMESTIC RELATIONS COMMITTEE-DISCUSSION OF PROPOSED LEGISLATION

The workgroup members will discuss and explain the proposed legislation for the upcoming legislative session.

A. A.R.S. § 25-211: The workgroup did some cleanup with the language. The change to 25-211 attempts to clarify that filing of a divorce petition does not alter the status of preexisting community property. It also clarifies that property purchased with community property continues to be community property, and if there was community property in existence at the time the divorce petition was served, then whatever duties, with respect to the property, continues to exist.

B. A.R.S. § 25-214: The committee is proposing a few changes. One of the changes clarifies equal management for both spouses to participate equally in partnerships and entities, unless prohibited by law, or unless one party waives their rights by signing a notarized written waiver of that spouse's right to manage community property. Another proposed change requires signature of both spouses if a creditor wishes to collect judgment against community assets, when a transaction of a partnership, corporation, or limited liability company, or other entities, are involved.

C. A. R.S. § 25-213: Clarifies what is separate property and status of separate property at time of service of a petition for dissolution, separation or annulment. The change in section B mirrors the change in A.R.S. § 25-211. The workgroup also made changes regarding transfers of sole and separate property.

D. A.R.S. § 25-215: Attempting to deal with creditors and collection of debt.

E. A.R.S. § 25-318: The proposed language directs the judge to clarify their rulings if any aspect of the division of parties' joint, common, or community property is the nature of support.

Committee Comments:

The both committee had a suggestion to change the word "shall" to "may" in section A.

F. A.R.S. § 25-216: Committee did not discuss at the meeting.

G. A.R.S. § 33-413: Committee did not discuss at the meeting.

DISCUSS DRC SCHEDULED MEETING ON NOVEMBER 16, 2007

The Domestic Relations Committee decided to cancel the November 16, 2007 meeting.

Motion: A motion was made to cancel the November 16, 2007 meeting. Seconded.

Vote: Approved unanimously.

CALL TO THE PUBLIC

Kara Tiffany, Pediatrician in North Phoenix, came to speak on behalf of children who are involved in custody cases. Sometimes children are forced to visit parents that are abusive or using drugs. The courts need to consider the affects of decisions made that reflect on our children.

NEXT MEETING Child

Support Committee

December 7, 2007

10:00 AM – 2:00 PM

State Courts Building, Conference Room 345A/B

Domestic Relations Committee

December 14, 2007

10:00AM – 2:00PM

State Courts Building, Conference Room 345A/B

ADJOURNED

Senator Gray, Co-Chair, adjourned the meeting at 1:30 PM