

**CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE**  
**Meeting Minutes - Wednesday, August 26, 1998**

**Members Present**

Hon. Mark Armstrong  
Kirk Burtch  
David Byers  
Conrad Greene  
Patrick Harrington for Linda Blessing  
Hon. Freddie Hershberger  
Hon. Michael Jeanes

Nancy Mendoza  
David Norton  
Commissioner David Ostapuk  
Hon. David Petersen  
Hon. Rhonda Repp  
Debbie Schumacher  
Bianca Varelas

**Members Absent:**

Jodi Beckley  
Hon. Robert Duber  
William Hurst  
Hon. Sandra Kennedy

Hon. Rebecca Rios  
Chuck Shipley  
Paul Smith

**Guest/Presenters**

C. Crabtree  
Kat Cooper  
Glenn Davis  
Scott Dusenberry  
Kim Gillespie  
Rand Gonzalez  
Jim Keane  
Heidi Koopman  
Rita Anita Linger  
John MacDonald  
Beverly McConnell  
Jane McVay  
Sheryl A. Rabin  
Chris Sotiriou  
Nancy Swetnam  
Rick Wagner

Parent  
Clerk of Superior Court-Maricopa County  
Arizona Senate-Research Analyst  
DES-Public Information Office  
Attorney General's Office  
Clerk of Superior Court - Maricopa County  
Arizona Senate-Research Analyst  
DES-Legislative Services  
A.O.C.-Parent Education Specialist  
A.O.C.-Communications Officer  
Private Attorney  
DES-DCSE  
Clerk of the Court-Maricopa County  
Parent  
Administrative Offices of the Court  
Children's Rights Council

**Staff Present**

Carmela Chiarenza

Patrick Scott

**Call Meeting to Order**

The meeting was called to order by Representative Hershberger at 10:50 a.m.

## **ANNOUNCEMENTS**

Representative Hershberger introduced Commissioner Rhonda Repp from the Superior Court in Yavapai who was appointed by Justice Zlaket to replace Commissioner Weiss of Mohave County. Commissioner Repp has been serving as the IV-D official officer in Yavapai for the past year. 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.

Additionally, the Council was notified that Alice Rose Thatch, Director of the Domestic Relations Division at the Administrative Office of the Courts (A.O.C.), has resigned. The staff of the Domestic Relations Unit has been merged with the Court Services Division at A.O.C., under the direction of Agnes Felton.

Congratulations were offered to the Child Support Division of the Gila County Attorney's Office for receiving the National Child Support Enforcement Association -1998 Most Improved Program Award. The award recognizes a state, regional, or county program that has shown remarkable improvement in operations and collections consistently for the last three years.

## **APPROVAL OF MAY 27, 1998 MINUTES**

The minutes were approved as written.

## **INFORMATION ITEMS**

The Council received three presentations for informational purposes.

### *Family Court Committee Interim Report*

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 department adopted three priorities.

- 1) Insuring that the children are adequately supported, both financially and emotionally including meaningful parenting time with both parents when possible and appropriate.
- 2) Protecting the victims of domestic violence and preventing domestic violence.
- 3) Processing cases fairly and efficiently using non-adversarial means to the extent possible and appropriate.

Judge Armstrong distributed an article, that he wrote, dated August 6, 1998. The article explains the change in the name of the department, the reasons for the change, the priorities of the

department and summarized the work of the Family Court Committee. Judge Armstrong also directed the members to the interim report of the Family Court Committee that was distributed to the Council members. The report is currently being circulated for public comment and Judge Armstrong encouraged the Council to review the report and to submit comments.

The Judge went on to explain that the Family Court Committee was created by Chief Justice Zlaket as a state-wide committee to look into how the Arizona courts are dealing with families and their problems and to make recommendations to the Supreme Court on how families problems can be dealt more effectively within the court system. One of the specific tasks was to look into the feasibility of forming a family court in Arizona. Judge Armstrong noted that the committee formed four workgroups to meet and make recommendations. Those workgroups are:

- 1) Court System Workgroup - to examine the possible structure of a family court.
- 2) Jurisdiction Workgroup - to identify the types of cases that the family court would have jurisdiction over.
- 3) Case Processing/Resources Workgroup - to formulate how cases will be processed and to identify the resources required for a family court.
- 4) Legislation Rules Workgroup - to review legislation or rules that may be required to implement a family court in the proposed form.

Judge Armstrong summarized that the Family Court could be organized as a department of the Superior Court in each county and have general jurisdiction to deal with all domestic relations cases, juvenile court cases, and guardianships involving minors.

The structure that is envisioned is a unified or integrated family court. All the family court (domestic relations) department and juvenile court department judicial officers would be designated as family court department judicial officers and would be empowered to handle the full range of cases. The organization would be dependent upon access to information concerning all of the family members not on bringing all of the cases to a physical location.

The report makes global recommendations and envisions that before anything can be done that there has to be design groups in each county that formulate an implementation plan for each county.

There are two benefits to a family court.

1. There will be better information sharing among the courts.
2. This would bring the concept of the one judge/one family system closer. This means that one judge or a team of judicial officers would deal with all problems for a family.

Conrad Greene inquired why parent groups were not involved in any of the groups. Kim Gillespie stated that there were some groups that were invited and attended. Judge Armstrong

added that all comments are welcome.

David Norton asked if there are going to be separate facilities. Judge Armstrong stated that they will remain as they are now, but be connected through technology and deal with full range of family court cases.

Commissioner Repp asked Judge Armstrong how he envisions connecting the information. The Judge responded through information sharing using automation such as JOLTS (Juvenile Online Tracking System) that has the actual orders of the court online.

Kim Gillespie added that she feels that there is still a lot of work to be done, if family court is to be implemented and that automation is important.

Conrad Greene stated that he is very supportive of the family court and asked what can be expected on accountability of the judges and the court appointed experts. Judge Armstrong stated that judges are accountable at this time through the judicial performance review process. As the Presiding Judge, he has administrative responsibility over the department and is trying to lead the department by adopting core values that will set the tone and values for the department. He also stated that he can not control the judges individual decisions and that there are other remedies for litigants such as appeal and special actions.

### Justice 2002

Dave Byers explained Justice 2002, the Chief Justice's strategic agenda for the Arizona court system over next five years. The agenda was developed from many meetings and discussions throughout the court system and with citizen groups. The overall goal of Justice 2002 is to build public trust and confidence in the Arizona courts. There are four strategic categories to the project.

- 1.) Protecting Children, Families and Communities
- 2.) Providing Access to Swift, Fair Justice
- 3.) Connecting with the Community
- 4.) Being Accountable

### Protecting Children, Families and Communities

A number of projects have been started and significant progress has been made under protecting children, families and communities. Pima county has instituted a model court project that is being tested and the results are good. Dependency cases that normally would take several months are being heard within five to seven days.

The Family Court Committee is another project. While still in the early stages, the question is should there be a family court and if so should there be a separate facilities. The Committee's interim report is out in draft form for public comment.

Mr. Byers added that there could be a problems properly identifying parties due to differences

in formatting names. There may be children with multiple last names, multiple sets of parents within the family structure, etc.

Other projects created to deal with protecting children and families are:

1. Centralization of child support payment processing
2. New juvenile detention facilities
3. Juvenile and Adult Probation System emphasizing enforcement of court orders
4. Drug and alcohol treatment programs

#### Providing Access to Swift, Fair Justice

Between arrest and prison there is a gap. The court is trying to “Fill that Gap” by appealing to the legislature for the resources needed to expedite case processing. The core belief is that justice delayed is justice denied. The goal is to process 90 percent of all criminal cases within 100 days. Coconino and Yavapai counties are close to achieving this goal.

Another project is the expansion of self service centers for self-represented litigants across the state. There are Quick Court kiosks in each county, a Self Service Center in Maricopa County. The Self Service Center is available through the Internet and by telephone. Mr. Byers feels that there will be self service centers throughout the state. Additionally, there will also be an 800 telephone number offering free legal advice regarding elder law beginning in October. The Elder Law Hotline will be staffed by attorneys from Southern Arizona Legal Aid, Inc. under a contract with the Arizona Supreme Court.

#### Connecting with the Community

The Chief Justice is committed to having the court system reconnect with the community. There are a series of citizens summits scheduled around the state to obtain input from the public. The first was held in Flagstaff in June attended by approximately 150 people from five counties. The next citizen summit will be held in Maricopa County in November and in southern Arizona in December. Court employees will be able to attend a summit in Phoenix before the end of this year.

#### Being Accountable

The courts and judges need to be independent to make the decisions free of political pressures, but this does not mean that the court system is unaccountable. There will be increased emphasis on accountability by developing measurable performance standards for trial courts.

#### **Child Support Enforcement - Services to Noncustodial Parents**

Nancy Mendoza addressed meeting the needs of noncustodial parents involved in child

support cases. Nancy distributed a handout which summarized a variety of supportive services that can be provided to noncustodial parents. Head Start is a program which has been around for a couple of decades successfully providing services to low income families and children. The program has had great success in engaging parents in their children's early development. The Division of Child Support Enforcement (DCSE) staff will now be training Head Start staff about issues relating to paternity and support enforcement. Head Start male involvement staff will then educate unwed fathers about the benefits of establishing paternity.

DCSE established a memoranda of understanding with the City of Phoenix-Step Up Program and the Mesa Community College Educational Development Training Center. These programs are offering job training and placement services to noncustodial parents referred by DCSE. Additionally, DCSE staff will now be training program staff about issues relating to paternity and support enforcement.

Ms. Mendoza also discussed the Welfare to Work Program. This is a new program made possible by federal legislation passed in 1997, creating an additional source of grant funding for states to train individuals enabling them to move off of public assistance. Under this program, the noncustodial parent of the family on public assistance, will be eligible under certain criteria to participate in federally funded job training. These programs will be available throughout the state. There is no age limit for participation in this program.

Access and Visitation Grants, that were first available last year, will be available again this year. The application forms and materials will be sent out to each of the counties to request funds. The allotment to the state bears the same ratio as the number of children in the state living with one biological parent divided by the national number of children living with one biological parent. DCSE will allocate a proportional share of the state grant to each of the participating counties to fund access and visitation projects.

## **URESAs vs UIFSA**

Kim Gillespie followed up from the previous meeting in which Judge Duber raised an issue with regards to the statute in the paternity area (25-811). Ms. Gillespie had recommended to repeal this portion since it is a reference to an already repealed section. Ms. Gillespie suggested the clean-up child support statute workgroup could include this statute as a reform item.

## **PUBLIC EDUCATION WORKGROUP**

Patrick Harrington introduced John MacDonald of the Administrative Office of the Courts, Len Kesso from the Clerk of Superior Court in Maricopa County, and Scott Dusenberry of the Department of Economic Security. They are Public Information Officers that Mr. Harrington has been working with in this workgroup. Mr. Harrington passed out a draft document that details the three areas that the workgroup is concentrating on which are Centralized Payment Processing, new hire employer reporting and services to noncustodial parents. The workgroup explained the efforts made in each of these areas and how resources are being stretched by using the media to help spread the message.

## **CENTRALIZED PAYMENT PROCESSING WORKGROUP**

Commissioner David Ostapuk informed the Council that the workgroup has been working very hard in redesigning the system for processing child support payments and spousal maintenance. The workgroup has brought together the interest of the A.O.C., D.C.S.E., the Superior Court clerks, and other stakeholders. At the last face to face meeting on August 25, 1998, there were visitors from the state of Texas that are facing the same policy decisions for their state. The representatives from Texas were amazed to see how well Arizona has done in resolving the interests of all parties.

Commissioner Ostapuk stated that computer training for the clerks will be beginning by the end of August and by the middle of September all the training should be completed. The clerk's offices will have input most of the clearinghouse data by September 11. Commissioner Ostapuk is hoping that the information regarding the implementation dates, computer training and usable data will be finalized by the end of the September. The next face to face meeting for this workgroup is September 29 and he is hoping that the decision will be made then that everything is complete for a November 1 implementation.

The centralized system will have an enhanced feature in regards to arrearages. Utilizing ATLAS, it may now be possible to calculate and track interest on arrearages for child support orders and spousal maintenance, but to use this feature additional programming may be required for non-IV-D cases.

Nancy Mendoza added that the technology staff at the A.O.C. has been very helpful to this workgroup. Additionally, the legislature allocated funds for the conversion of the cases and the money is adequate to pay each of the clerks of court for the time and effort that it will be required to convert non-IV-D cases to the ATLAS system.

An additional feature of the state case registry is the family violence indicator. The domestic violence indicator will be placed on a person who is the victim of the domestic violence or any other person whom the state has reason to believe could suffer physical or emotional harm, if the information is released. A party may still petition for release of that information for authorized purposes, but a court would be required review the petition and approve the disclosure of the information.

In the IV-D system, if there is money that has been receipted and there is not a current debt against which the funds can be credited, the money does not get disbursed and is held in a suspense account for future distribution. The decision was made by the clerks that payments would not suspend in non-IV-D cases. If the amount paid exceeds current debts the funds would be credited to the case and a report generated to the clerks indicating the case debts need to be reviewed. As time permits, the clerks can then investigate and determine if the debts need to be amended. Consideration of duplicate docket numbers between counties was also discussed and a county specific source code to determine the origin of each case debt will be included in the initial case load.

Dave Byers asked the workgroup if they had considered preparing the legislature and their staff prior to going live with the centralized payment processing. Mr. Harrington informed the Council that DCSE had a network in place and will let those individuals know when the transition will occur.

## **CLEAN UP CHILD SUPPORT STATUTES**

Kat Cooper recapped the workgroup discussions relating to child support judgments. The issue at this time is whether or not to change the statute to extend the life of judgments without limits or renewal requirements. The workgroup researched how other states are addressing these issues. The states of California, Nevada, Utah, and Colorado are all moving in the direction of not limiting the life of a child support judgment.

Kim Gillespie spoke about the complexities regarding judgments and stated that even experts in domestic relations matters disagree about how to interpret the current statutes. There are basic restrictions on the collection of child support. The first is a statute of limitations which allows three years from the date of emancipation of the youngest child to obtain the liquidated judgment for the full term of the childrens' minority. The second is having once obtained a judgment, it needs to be renewed every five years, unless the judgment is obtained during the minority in which case it is good for ten years from the emancipation of the youngest child. Ms. Gillespie added renewal is not a value added activity, but rather extra work for clerks, county recorders, and the parties. It is also not easy to program for high volume case processing. The workgroup is suggesting repealing the restrictions as the other states have done.

Bev McConnell added that the workgroup has been doing a study of the statutes. She feels that there is much confusion caused by the current statutes. She stated that the time period should be clarified and feels that parties should not have to renew judgments. The central the question the Council should address is; should a party be able to extinguish their responsibilities by avoiding them?

Kat Cooper shared specific statutes of the various states. California has removed the requirement to renew a judgment for child, family, or spousal support including the judgment for reimbursement of arrearages. Colorado provides for continuing garnishment until the debt is satisfied. Nevada provides that if a court has issued a judgment for support of a child, there is no limitation in which an action can be commenced to collect arrearages in the amount of that support or to seek reimbursement for money paid as public assistance for that child. In Utah they provide that an order is effective until no child support is owed.

The Council discussed the different applicable time periods governing judgments obtained during the minority of the children versus after minority. The Council also discussed the three year limitation that parties have within which they may obtain a judgment after minority and if this should be expanded or if it is in the best interests of the parties, the state, and the courts to compel parties to act soon after the emancipation of the children. Written judgments versus judgments by application of law were also discussed. A concern was expressed that there should be a consistent time frame for all debts relating to a child support case, including spousal maintenance, attorney's

fees, and paternity tests.

Commissioners Ostapuk and Repp cautioned the workgroup not to adopt too simplistic an approach, as it has been their experience that determining an accurate arrearage can be a fact intensive process. Parents may change custody without notifying the court, make direct payments, or agree to alternative arrangements. It is not uncommon for the parties not to have kept any records of these arrangements.

Council members directed the workgroup to identify the issues and draft language the Council can review. The Council agreed that the issues need to be addressed and legislation crafted to clarify the time parties have to take action.

Judge Armstrong, Commissioner Ostapuk, and Commissioner Repp offered their assistance with this issue.

## **FATHERHOOD ISSUES**

Nancy Mendoza reminded the committee that Senator Petersen had been interested in a workgroup concerning the issues surrounding involving fathers in the lives of their children. Commissioner Ostapuk read from the May 1998 minutes that the workgroup would examine ways of getting fathers more actively involved in the childrens' lives and how to encourage unmarried fathers to establish paternity. Commissioner Ostapuk asked Senator Petersen which path he would like this workgroup to take. Senator Petersen stated that he would like a workgroup focusing on both of these issues. Nancy Mendoza reluctantly declined to participate in this workgroup at this time due to her workload attending to agency duties, as well as, insuring implementation of the State Case Registry, the New Hire Directory, and the expanded Central Payment Clearinghouse. Conrad Greene volunteered to join the workgroup and suggested Commissioner Repp be a part of the workgroup. Bianca Varelas will also be a member. Senator Petersen invited Chris Sotiriou to give the workgroup his input. The Senator informed the Council that he has an interest in proposing legislation dealing with statutory rape and thought the workgroup could assist in examining that issue. It was decided to have the charge to the workgroup as an open item.

## **EMPLOYMENT REFERRAL AGENCIES AND WAGE ASSIGNMENT WORKGROUP**

Pat Harrington spoke in regards to this workgroup. At this point, this workgroup is at a stand still and Mr. Harrington has a few leads.

## **NEXT MEETING OF THE COUNCIL**

The next meeting is scheduled for October 7, 1998, from 10:00 a.m. to 2:30 p.m. at the State Courts Building in room 119.

## **PUBLIC COMMENTS**

Mr. Frederick Von Brincken asked to speak to the committee in regards to his situation. He had filed a paternity case in June 1996. He had several issues throughout his ordeal. He went through a parenting and custody evaluation and received 50% joint custody of his son. He has always continued to pay child support even though there was no court order on the amount. He ran into some financial problems and child support was adjusted. Mr. Von Brincken felt that the way the child support was computed was unfair and that he is unable to pay this amount.

Chris Sotiriou came to speak in regards to payment of child support that can be made on a debit card. He states that he had made a payment for child support and the next day his account was garnished. He also discussed tax issues for child support payments. He is concerned that there is no longer head of household for the paying parent or any other tax credits. Patrick Scott advised that there are guidelines for child care tax credit.

## **ADJOURNMENT**

The meeting was adjourned by Representative Hershberger at 2:40 p.m.