

CHILD SUPPORT COMMITTEE

Meeting Minutes – November 16, 2004

PRESENT:

Co-Chairs

- Hon. Peter Hershberger
- Hon. James Waring

Members:

- Hon. Manuel Alvarez
- Robert Barrasso
- Hon. Bill Brotherton
- David Byers (designee Karen Kretschman)
- Hon. Norm Davis
- Charles DiGeronimo
- Kim Gillespie
- Leona Hodges
- Kym Hull
- Hon. Michael Jeanes
- Michelle Krstyen
- Ezra Loring
- Suzanne Miles
- David Norton
- Hon. Rhonda Repp
- Chuck Shipley
- Russell Smoldon
- Hon. Monica Stauffer
- Bianca Varelas-Miller

STAFF:

Isabel Gillett
Barbara Guenther
Megan Hunter
Javan Mesnard
Patsy Osmon

Administrative Office of the Courts
Senate
Administrative Office of the Courts
Senate
Senate

CALL MEETING TO ORDER

Sen. Waring called the meeting to order at 10:09 a.m. with a quorum present.

APPROVAL OF MINUTES

MOTION: Michael Jeanes made a motion to approve the minutes as submitted. Suzanne Miles seconded. Approved unanimously.

STATUTE REVIEW WORKGROUP – KIM GILLESPIE

Kim described the workgroup's two proposals and asked the Committee to consider them for advancement to Legislative Council.

1. A.R.S. § 25-320 (E), Disabilities.

Existing law is very broad and allows child support past the age of majority in cases where a child is mentally or physically disabled. The proposal narrows the statute by qualifying the disability as "severe" and the person as "unable to live independently and be self-supporting." It also requires that the disability must have occurred prior to the age of majority. Bob Barrasso suggested that language should be added to clarify that the court can make such an order even if the child has reached the age of majority at the time of complaint.

MOTION: Michael Jeanes made a motion to amend the proposal by adding the following language at the end of the paragraph: "The court may issue such an order even if the child has reached the age of majority at the time of complaint." Susanne Miles seconded. Approved unanimously.

MOTION: Michael Jeanes made a motion to proceed with this proposal in the 2005 legislative session. Commissioner Repp seconded. Approved unanimously.

2. A.R.S. § 25-800, Paternity.

Several technical changes are made to enhance and clarify existing law and eliminate duplication, including:

- Change plaintiff/defendant to petitioner/respondent throughout the section in conformity with Title 25.
- Eliminate the allowance of an oral answer in a response to a paternity suit because it is largely unused. Adds the ability to permit a party to seek emergency or temporary orders before the court has made a paternity judgment when there are no serious objections.
- Expands the personnel within the courts who can enter a paternity order, in conformance to existing practice.

MOTION: Michael Jeanes made a motion to amend the proposal by: conforming subsection (F) to make it consistent with the approved changes to A.R.S. § 25-320, and

re-letter (J) to (I); strike “either” and insert “any of the following apply.” Susanne Miles seconded. Approved unanimously.

AUTOMATION / FUNDING – KIM GILLESPIE

Kim Gillespie explained that the workgroup has been working on two child support arrears calculators: 1) a statewide calculator for non-IV-D cases that would be built on ATLAS and made available to the courts; and 2) a web-based calculator that could be available to anyone with Internet access.

The calculator would be the biggest improvement in Arizona child support since welfare reform. The Division of Child Support Enforcement performed 63,000 arrears calculations last year and the courts, litigants and lawyers spend a great deal of time performing the calculations manually. An arrears calculator would be a cost and time savings.

The non-IV-D calculator on ATLAS (short-term solution) would cost approximately \$40,000. Funding is being sought through internal sources.

The web-based calculator (long-term solution) is roughly estimated at \$400,000. Funding would be sought through a legislative appropriation.

The workgroup requested that this Committee support a proposal from the workgroup to develop a legislative proposal to request funding for a web-based calculator. The workgroup will pull together a small group called a Joint Application Design (JAD) to determine the technical requirements and to develop a cost estimate.

CHILD SUPPORT SOLUTIONS - MICHAEL JEANES AND LEONA HODGES, CO-CHAIRS

Michael Jeanes explained that the group has continued meeting monthly to look at the process as payments flow through the entire system, from the time of the order to the mailing of the payment. Members are developing a detailed flowchart of the process so members can determine where any problems may occur. The issues will be prioritized and addressed.

The group is making great progress and is serving as a tremendous forum with all stakeholders working collaboratively to enhance the system for end users.

PUBLIC OUTREACH/CUSTOMER SERVICE - CHUCK SHIPLEY, CHAIR

Megan Hunter reported in Chuck Shipley’s absence. The group’s purpose is to make recommendations for methods to help child support customers navigate the child support system in a more seamless manner. The group has met on a monthly basis and has been working primarily on a brochure that will provide information to both IV-D and non-IV-D customers.

CALL TO THE PUBLIC

James Hager, parent, discussed the “support of other children” portion of the Arizona Child Support Guidelines. Parents with other children receive an adjustment in the calculation and Mr. Hager pointed out the inequities of the apportionment of these adjustments. He also discussed the inequities in the percentage of income for child support dependent on the income category. For

example, for one child, low income parents spend approximately 27% of their income on child support, while high income parents spend approximately 14% of their income on child support.

Judge Stauffer and Kim Gillespie explained that they will be co-chairing a new workgroup that will be looking at the underlying estimates of the Schedule of Basic Support Obligations, including the issues Mr. Hager raises. They will include Mr. Hager's issues in the workgroup discussions.

NEXT MEETING

The December 14th meeting will be canceled. The next meeting will be held on January 5th, 2005, 10:00 a.m. – 12:00 p.m., at the Arizona Courts Building, 1501 W. Washington.

ADJOURNMENT

Sen. Waring adjourned the meeting at 11:30 p.m.