

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

FIRST QUARTER REPORT 1999

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CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

Members

Co-Chairs: Senator David Petersen
Representative Vacant

Honorable Linda Aguirre
Arizona State Senate

Honorable Mark Armstrong
Domestic Relations Judge (Urban)
Appointed by Chief Justice

Jodi Beckley
Executive Assistant
Governor's Office

Linda J. Blessing, D.P.A.
Director
Department of Economic Security

Kirk Burtch
Division Chief
Office of the Attorney General

David K. Byers
Administrative Director of the Courts

Bryan Chambers
County Attorney's Office Providing
Enforcement Services (Rural)

Honorable Robert Duber II
Domestic Relations Judge (Rural)

Laura Elmer
Custodial Parent
Appointed by Senate President

Conrad Greene
Noncustodial Parent
Appointed by Senate President

William Hurst
Joint Custody Parent Appointed by
House Speaker and Senate President

Honorable Michael Jeanes
Clerk of the Superior Court

Nancy Mendoza
IV-D Child Support Director, DES
Division of Child Support Enforcement

David Norton
Noncustodial Parent
Appointed by Senate President

Honorable David Ostapuk
Family Law Section Executive
Committee State Bar of Arizona

Honorable Rhonda Repp
IV-D Commissioner

Honorable Rebecca Rios
Arizona House of Representatives

Chuck Shipley
Business Representative Appointed by
Senate President and
House Speaker

Bianca Varelas
County Attorney's Office Providing
Enforcement Services (Urban)

Vacant
Custodial Parent
Appointed by House Speaker

*CHILD SUPPORT
COORDINATING COUNCIL SUBCOMMITTEE
FIRST QUARTER REPORT
1999*

Membership

The Child Support Coordinating Council (Council) received two new members in January 1999. Senate President Brenda Burns appointed Senator Linda Aquirre to fill the position vacated by Senator Kennedy and Ms. Laura Elmer to replace Debora Schumacher as the custodial parent appointed by the Senate President. The Council continues to have two vacancies, one for a custodial parent, and one for a legislative cochairperson, both appointed by the Speaker of the House.

Meetings

Two Council meetings were scheduled during the first quarter; February 4 and March 2. The meeting scheduled March 2 did not have a quorum; as a result no formal business was conducted. During the course of the February meeting, the Council reviewed legislation, heard from standing work groups, heard public comments, and planned for future meetings. The February meeting was chaired by Senator Petersen and held telephonically.

Legislative Review

The Council discussed several bills relating to child support, dissolution, and marriage during the January meeting.

Senate Bill 1152 - Child Support; judgments

The provisions of this bill, sponsored by Senator Petersen on behalf of the Council, clarifies how child support judgments are obtained and when a child support judgment is satisfied. The bill sets a statute of limitation for obtaining a judgment for child support at three years from the emancipation of all of the children who were the subject of the court order . The Council discussed a concern expressed by the Arizona Justice Institute, that parties owed a support arrears will not be aware of the time limitation for obtaining a judgment. Council members stated that laws often change and that notice of the changes are not normally mandated. The members suggested that the Administrative Office of the Courts could do an article in the DR Quarterly to help inform the legal community, change their child support pamphlets to highlight the change, and include a notice in the child support order used in conjunction with the Arizona Child Support Guidelines. [The bill was amended in the House to include a provision that: "every order for child support, including a modified order, shall include a provision advising the parties that judgments by operation of law may expire in accordance with this subsection."]

SB1053 Child Support; exemption. The bill would exempt parents, who are minors, from the obligation to support their children, if the minor became a parent as the result of a sexual assault or an act of illegal sexual conduct for which the other parent had been found guilty. The exemption would also apply to the minors' parents or legal guardians.

[The bill was amended in the House to allow the court discretion whether or not an exemption from child support liability should be granted to a minor parent and his or her parents or guardian in an instance when the child was conceived in an act of statutory rape or sexual assault upon the minor parent.]

Senate Bill 1055 Children and Family services; committee

SB 1055 reestablishes the Joint Legislative Committee on Children and Family Services, which expired on October 1, 1998. The Committee's purpose is to review legislative recommendations and public concerns regarding children and family services; and, to review specific CPS cases within 30 days when there is a written constituent complaint and if there is written request of a legislative member. The Committee would once again be comprised of five members of the Senate, not more than three from the same party; and, five members of the House, not more than three from the same party. [The bill was amended in the House to increase the number of committee members which constitute a quorum from five to six members. The bill was further amended to direct that committee shall work with the ombudsman-citizens' aide office to make systematic recommendations to improve the system that delivers services to children and families.]

SB1184 Child support; most wanted postings. The bill would require the Department of Economic Security, Division of Child Support Enforcement to post on the Internet the ten most wanted nonpayors of child support. [The bill was amended to require the Division of Child Support Enforcement within the Department of Economic Security to make quarterly Internet postings that identify at least ten nonpayors of child support orders. The bill prescribes the Internet postings be limited to those nonpayors for whom child support arrest warrants have been issued.]

SB1185 Child custody. The bill sets a standard that relocation of a child will occur only if the relocating parent can establish by clear and convincing evidence that it is in the best interest of the child. [The bill was amended striking the standard of "clear and convincing evidence" and adds as a consideration of the "Effect of relocation on the child's stability."]

HB2063 Children; grandparents; visitation rights. The bill would allow grandparents and great grandparents to file for visitation during the minority of a child.[The bill has not received a hearing in the House Rules Committee]

HB2121 Marriage; dissolution; creditors; information. The bill would require an additional notice be given to parties to a legal separation or dissolution advising that the order of the court assigning debts is binding only on the parties. The notice informs parties that the order does not bind creditors from pursuing collection of the community debts from both parties. [The bill was used as a strike all and amended to form local councils that will be manned by volunteers familiar with resources in their local communities that can be mobilized to address the needs of children and families. The local councils would report to a statewide council.]

HB2212 Dissolution of marriage; liquid assets. The bill would require the court to divide liquid assets of the community upon motion by either party. It would also allow an attorney to withdraw from a case as a matter of right after a hearing for temporary orders.[The bill has passed over to the Senate but has not received a hearing in the Rules Committee.]

HB2420 Domestic Relations; parenting plans. The bill was discussed at length in the House Human Services Committee and then held. [No change.]

HB2524 Marriage; blood tests. The bill would require applicants for a marriage license to obtain a blood test for sexually transmitted diseases. [The bill was used as a strike all and amended to address health and accident coverage for domestic partners]

Workgroups

Clean Up Child Support Statutes

Kat Cooper

The workgroup for statute clean up met twice during the first quarter of 1999. The group discussed several potential topics that should be examined during the coming year including:

- Grandparent liability under A.R.S. § 25-810.
- Use of the terms payor and obligor, arrears and arrearages.
- Moving the definition of emancipation to A.R.S. § 25-500
- Seizure of lump sum payment or severance payouts for child support arrearages.
- Challenges to voluntary paternity vs. challenging a presumed father by marriage. Compare Arizona to Iowa.
- Definition of support: does it include spousal maintenance and how does it differ from the federal definition.

Centralized Processing of Non-IV-D Payments
Commissioner David Ostapuk

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 required every state to establish and operate a unit for collection and disbursement of payments under support orders. All payments in cases enforced by the state and cases not enforced by the state, in which a support order was entered after January 1, 1994, are required to be processed by this unit. In Arizona the Clerks of Superior Court and the Department of Economic Security, the Title IV-D child support agency, worked collaboratively to accomplish that goal in December of 1998.

Since all funds began being processed by the clearinghouse, the work group has continued to meet examining problems in processing funds and determining the most expeditious, cost effective methods of resolving those difficulties. The clearinghouse has processed 570,181 payments in the first quarter of 1999. A total of 4844 payments, less than 1%, have been placed in an unidentified category pending research and application to the proper case. The workgroup continues to support

statewide staff training utilizing computer based training to minimize the impact on court personnel.

Future Council Meetings

The next meeting of the Council is scheduled for June 2, 1999.

Prepared by Council Support Staff:

Court Services Division, Domestic Relations Unit
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington, Suite 411
Phoenix, Arizona 85007