

CHILD SUPPORT COMMITTEE
MEETING MINUTES
Arizona Courts Building
1501 W. Washington, Room 119A/B
Phoenix, Arizona
December 12, 2008

PRESENT:

Co-Chairs

- Honorable Peter Hershberger
- Honorable Thayer Verschoor

Guests

Amber O'Dell
Jana Bertucci
Janet Sell
Barbara Guenther

Members:

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

STAFF:

Kathy Sekardi
Lorraine Nevarez

Administrative Office of the Courts
Administrative Office of the Courts

CALL MEETING TO ORDER

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

ANNOUNCEMENTS

Co-Chair Verschoor informed the Committee that this would be Representative Hershberger's last meeting. Co-Chair Verschoor thanked Co-Chair Representative Hershberger for his time and contribution to this committee over the years and the committee thanked him as a whole for his efforts, knowledge, expertise and service which will not be forgotten.

DES PROPOSING NOTICE OF LIEN LEGISLATIVE BILL

Veronica Hart Ragland discussed legislation that the Child Support Enforcement Division would be putting forth this upcoming legislation session. Currently, the Child Enforcement Division has

the authority to place liens on property which requires a first notice to be sent to the obligor by first class mail. After a brief response period, if the division does not hear back from the obligor they are required to send out a second notice by first class mail before a lien can be filed. Once the lien gets filed the division will send a copy of the lien to the obligor by certified mail. However, the division would like to send the copy of the lien by first class mail to reduce the costs of mailing and the manual intervention that is involved by sending the copy of the lien notice by certified mail. This also would assist in reducing the cycle time of this type of action.

APPROVAL OF MINUTES

The September 12, 2008 minutes were presented for approval. No discussion.

Motion: A motion was made to approve the September 12, 2008 minutes as presented.

The motion was seconded.

Vote: Minutes approved unanimously.

WORK GROUP REPORTS

A. STATUTE REVIEW WORKGROUP

1. Proposed Legislation A.R.S. § 25-807- *Precedence of maternity and paternity proceedings*. Mr. Barrasso discussed the changes intended to update the language and process for obtaining genetic testing in paternity matters. Proposed changes include allowing an alleged father and child to submit to genetic testing (if the mother is unavailable or uncooperative) with a high degree of accuracy. Also, a new paragraph (J) was added which would allow the Arizona Department of Corrections or a county jail to treat a genetic testing order issued in another state that appears regular on its face as it if had been issued by an Arizona court.

Committee Comments

Are there safeguards built into this process?

Response: All of the genetic testing orders are pursuant to a courts' order. Samples drawn are done with contractors that are aware of privacy issues.

Motion: A motion was made to approve the legislation amending statute 25-807. Seconded.

Vote: Approved unanimously.

Motion: A motion was made to approve the new paragraph (J), part B, to add to 25-807. Seconded.

Vote: Approved unanimously.

Motion: A motion was made to approve the legislation amending statute 25-807 including paragraph (J), part B. Seconded.

Vote: Approved unanimously.

2. Proposed Legislation A.R.S. § 25-320-*Child Support; factors*

Kim Gillespie informed the committee that the new medical support order bill and new federal regulations have created substantial changes which need to be addressed legislatively. She has identified three immediate challenges. The first has to do with clarifying a timing issue as it relates to paragraph K(1), especially in those instances where one parent is paying a cash medical support order then obtains private medical insurance. The proposed language would make it clear when the cash medical support order would terminate. The revised language attempts to clarify that the obligor needs to notify the department so the cash medical support order stops. It encourages communication by an obligor to notify the department. The committee reread the paragraph and redrafted the paragraph to read as follows:

“On notification by the obligor to the court, or in a IV-D case, to the department and the other parent that the obligor has obtained private insurance that is verified, the cash medical support order will terminate by operation of law on the first day of the month after the policy’s effective date or the date the court, or in a IV-D case, the department and the other parent are notified that insurance has been obtained, whichever is later.”

The second change adds clarification in paragraph (L), which instructs the court not to order the custodial parent to pay (themselves) a cash medical support order.

The third proposed change affects mostly the large number of Title IV-D cases. Changes to A.R.S. § 25-535 paragraph B(4) and (5), permits an opportunity for a person to file for an administrative review if a new national medical support notice were to be issued or if one of the parents already has medical insurance.

Motion: A motion was made to amending title 25-320(K) with the language the committee has discussed and agreed upon today. Seconded.

Vote: Approved unanimously.

Motion: A motion was made to approve the language amending title 25-320 paragraph (L). Seconded.

Vote: Approved unanimously.

3. Discussed A.R.S. § 25-809 (B)-*Judgment*. The committee has decided to table this discussion until a later date.

4. Discussed A.R.S. § 23-722.01-*Employer or payer reporting*. The committee has decided to table this discussion until a later date.

CALL TO THE PUBLIC

The public present did not comment.

NEXT MEETING

TBD

ADJOURNED

Senator Verschoor, Co-Chair, adjourned the meeting at 11:20 a.m.