

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE
Meeting Minutes - Wednesday, December 9, 1998

Members Present

Hon. Mark Armstrong
David Byers
Hon. Robert Duber
Kim Gillespie for Kirk Burtch
Conrad Greene
Patrick Harrington for Linda Blessing

Hon. Michael Jeanes
Nancy Mendoza
Hon. David Petersen
Hon. Rhonda Repp
Debbie Schumacher

Members Absent:

Jodi Beckley
Brian Chambers
Hon. Freddie Hershberger
William Hurst
Hon. Sandra Kennedy

David Norton
Commissioner David Ostapuk
Hon. Rebecca Rios
Chuck Shipley
Bianca Varelas

Staff:

Carmela Chiarenza

Patrick Scott

Guest/Presenters

Kat Cooper
Glenn Davis
Rand Gonzalez
Cheryl Holt
Jim Keane
Therese Martin
Jane McVay
Mike Millette
Chris Sotiriou
Rick Wagner

Clerk of Superior Court-Maricopa County
Arizona Senate-Research Analyst
Clerk of Superior Court - Maricopa County
Custodial Parent
Arizona Senate-Research Analyst
Attorney General's Office
DES-DCSE
Noncustodial parent
Parent
Children's Rights Council

Call Meeting to Order

The meeting was called to order by Senator Petersen at 2:15 p.m.

Announcements

Senator Petersen announced that Barbara Guenther will replace Jim Keane as the research analyst for the Senate Family Services Committee. Angela Bowman, Manager of the Domestic

Relations Unit at the Administrative Office of the Courts (A.O.C.), was introduced to the Council. Anegla replaces Alice Thatch at the A.O C.

Approval of August 26, 1998 Minutes

The minutes were approved as written.

Fatherhood Issues

Senator Petersen distributed a several handouts dealing with fatherhood, paternity and fatherhood, and a draft bill dealing with statutory rape. Jim Keane, the research anaylst for the Senate Family Services Committee, outlined the provisions of the proposed legislation on statutory rape. Members of the Council questioned if it would be a crime for a parent not to disclose possible sexual activity by their children or freinds of the children. A question was asked if it would then be a crime not to report a rumor. Council members also questioned if the age of fifteen was consistent with other provisions of law relating to sexual conduct by a minor.

Senator Petersen informed the Council that the bill had been drafted with the assistance of several county attorneys offices. The question was asked if this bill was concerned with adult contact with minors or if it was sexual conduct by minors with minors. Senator Petersen stated that the concern was for both circumstances but mainly adults taking advantage of minors. Judge Duber suggested the appropriation included in the bill be made available to agencies other then the police or prosecutors, who would have greater skills in interveiwing children.

The Council extended their discussion to the specific case where a male minor fathers a child with an adult female. The child or the child's parents would be responsible for supporting the baby even if the mother were convicted of sexual conduct with a minor. Senator Petersen encouraged the members to examine the bill further and to notify his office of additional concerns.

The discussion continued with members expressing their veiws on how best to reach minors with the intention of educating them of the potential consequences of their sexual conduct. Members discussed a media campaign to educate junior high and high school students about statutory rape as a crime and programs to provide services to teen parents.

Clean up Child Support Statutes

Kat Cooper recapped the workgroup discussions and the motions passed by the Council at the last meeting. Kat requested Judge Armstrong provide the Council with an explanation of the changes to A.R.S. § 25-414, relating to a violations of visitation rights. The judge proposed to change the time within which the court must hold a hearing or conference to review noncompliance with a visitation order from twenty judicial days to twenty-five calendar days. The judge also stated that the scheduling of the hearing should be predicated upon the service of the petition. Judge Armstrong also pointed out a technical changeto A.R.S. § 25-503, suggested by staff, to the definition of emancipation. The change clarifies that a child still in high school but not yet nineteen is not emancipated. The change also adds an additional reference to A.R.S. § 25-320, by including subsection C. The Council voted to approve the language as presented.

Kat Cooper provided the Council an update on proposed changes to A.R.S. § 25-812 concerning voluntary acknowledge of paternity. The bill was redrafted to clarify that parents completing a voluntary acknowledgement in the superior court at the clerks office could continue the action to include support establishment and custody without paying an additional fee. The additional proceeding would be required to be commenced within the same county as the acknowledgment and within ninety days of the entry of the paternity order establishing paternity.

The Council discussed the language in section (A)(2) dealing with acknowledgments when there is a presumed father. Nancy Mendoza asked why the workgroup felt it necessary to duplicate the language of A.R.S. § 25-814 in the proposed bill. Michael Jeanes stated that it would be beneficial for clerks staff and the public to clarify the procedure that should be followed when there is a presumed father and another man wishes to voluntarily acknowledge paternity. The inclusion of the language in this section eliminates confusion when people wish to use this specific process. The Council voted to approve the language as presented.

The Council discussed the acknowledgment process further. Conrad Greene advocated for procedures to establish paternity while the child was still in the womb. Several members of the Council expressed concern that to do so presented a potential risk to the pregnancy and the health of the mother and child.

A motion was made and seconded to approve the legislative proposals dealing with child support judgments amending A.R.S. § 12-544, 12-1551, 25-503, and 33-964. The motion passed unanimously.

A motion was made and seconded to approve the legislative proposal dealing with orders of assignment amending A.R.S. § 25-504. The motion passed unanimously.

The Council discussed the proposals amending A.R.S. § 25-809 and 25-812. The Council directed the workgroup to refine the proposals incorporating the language discussed. The workgroup will present the revised language at the Councils next meeting in December.

Public Comment

Mr. Kenneth Hunn addressed the Council concerning his dissolution case. Mr. Hunn explained the circumstances surrounding a petition he had filed for a change of custody. Mr. Hunn expressed his belief that the courts need to be more responsive to the issues of children in custody matters. Mr. Hunn also stated that the courts discriminate against divorced fathers. Mr. Hunn encouraged the Council to study how custody determinations are made and to promote a change necessary that would guarantee that a party gets their day in court.

Fatherhood Issues

Senator Petersen discussed the issue of promoting responsible fatherhood. Senator Petersen also discussed issues that have been identified by the National Governor's Council and problems associated with older men fathering children with young women. Senator Petersen

proposed that a education program for young fathers be instituted similar to a program in California. Senator Petersen will distribute materials to the Council and welcomes their input. Conrad Greene suggested that the workgroup look at methods for establishing paternity sooner, establishing support, reviewing access and visitation guidelines, making judges more accountable, providing less costly supervision programs, providing penalties for false accusations, and requiring some type of accountability of child support expenditures. Senator Petersen invited Conrad draft a document for distribution to the Council.

Public Education Workgroup

Patrick Harrington reminded the Council that the public education workgroup had identified several topics on which to focus, one of which was new hire reporting. Mr. Harrington distributed a press release reporting the departments success in implementing the state's New Hire Reporting Program. The program has received over 67,849 new hire reports and has had 2,589 matches with the state case registry. Mr. Harrington is planning a similar release for the Centralized Payment Processing effort to educate the media and parents.

Employment Referral Agencies And Wage Assignment Workgroup

Pat Harrington reminded the Council that the workgroup was formed due to the belief that when certain employees are hired, by unions or other short term employers, a wage withholding for child support is not implemented. Mr. Harrington informed the Council that the department will use the data obtained from the new hire reporting program to assess compliance with the program and to define enhancements to respond to short term employment, such as union referrals.

Department of Economic Security - 1998 Legislation

Nancy Mendoza distributed a bill proposing a change to A.R.S. § 46-441. The bill clarifies that the clearinghouse distributes spousal maintenance and related payments in addition to support, adds a requirement that the support payment handling fee be paid monthly whenever an order of assignment is issued, deletes outdated language, and states that agreements between parties altering support ordered be by written agreement. Additionally, the bill would grant the department authority to charge a fee for each payment instrument returned for insufficient funds, plus any fees assessed by a financial institution. The obligor would be held liable for the amount of any dishonored payment instrument and the debt eligible for collection by the tax refund offset program, pursuant to A.R.S. § 42-1122.

Senator Petersen expressed concern regarding the mandatory charge and urged Nancy to restructure the bill to give the department discretion. Senator Petersen suggested that the fee only be charged if a obligor fails to reimburse the department after a grace period had expired. Ms. Mendoza expressed concern that by giving staff discretion, when to apply the fee, the potential exists different standards would be applied even though similar circumstances exist for the obligor. The Council requested that the department examine the issue further and report at the next meeting.

Family Ties and Knots: Children of Divorce

Kat Cooper from the Clerk of Superior Court in Maricopa County previewed a 16 minute video produced with funds obtained from the access and visitation grant funds distributed to the county in 1998. The video is intended for use in educating parents referred to expedited programs in Maricopa County. The video includes several scenarios dramatizing unacceptable behavior by adults interspersed with real life interviews of children of divorce, comments from an expert in the area, and the presiding family court judge in Maricopa County. Kat informed the Council that this is only one part of program being developed by the clerk's office to educate parents.

Next Meeting of the Council

The next meeting is scheduled for December 9, 1998, from 2:00 p.m. to 4:00 p.m. at the State Courts Building in room 119.

Public Comments

Chris Sotiriou addressed the Council and recommended the amendment of A.R.S. § 25-414 be referred to the Domestic Relations Reform Subcommittee. Mr. Sotiriou urged the Council to maintain their focus on children. He also reiterated the point made earlier by Conrad Greene that the Council work toward encouraging paternity establishment as soon as possible.

Janey Buri, a representative of Arizona Children for Enforcement of Support (ACES), addressed the Council. Ms. Buri has been a member of ACES for over a year and has been using that time to educate herself about the child support system in Arizona. Ms. Buri works in a facility where over 1200 births occurred last year and where sixty percent of the births this last month were to single parents. She urged the Council to continue their efforts in support of Arizona's children.

Adjournment

The meeting was adjourned by Senator Petersen at 2:40 p.m.