



**CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE**

State of Arizona

2000 Annual Report

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***CHILD SUPPORT ENFORCEMENT
AND
DOMESTIC RELATIONS REFORM
COMMITTEE***

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TABLE OF CONTENTS

Child Support Enforcement and Domestic Relations

Reform

Committee: Members

Executive Summary..... 1

Introduction..... 3

Historical Background..... 3

Legislative Response..... 4

Membership 5

Child Support Coordinating Council Subcommittee 20008

Summary..... 8

Membership 8

Work, Findings and Recommendations..... 9

Tasks and Objectives 10

<i>Recommendations for Legislative Action.....</i>	<i>16</i>
<i>Other Issues Before the Council.....</i>	<i>17</i>
<i>Future Actions.....</i>	<i>17</i>

Domestic Relations Reform Study Subcommittee 2000

<i>Summary.....</i>	<i>18</i>
<i>Membership.....</i>	<i>19</i>
<i>Work, Findings and Recommendations.....</i>	<i>19</i>
<i>Future Actions.....</i>	<i>.....</i>

Appendix

<i>Child Support Coordinating Council Subcommittee.....</i>	<i>i</i>
<i>Purpose.....</i>	<i>i</i>
<i>Membership.....</i>	<i>i</i>

Child Support Coordinating Council Subcommittee:

Members.....iv

Domestic Relations Reform Study Subcommitteev

Purpose.....v

Membership.....v

Domestic Relations Reform Study Subcommittee:

Membersviii

*CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM COMMITTEE
2000 ANNUAL REPORT*

EXECUTIVE SUMMARY

As required by law (A.R.S. §320.01.A), the Child Support Enforcement and Domestic Relations Reform Committee, comprised of Hon. Ann Day, Hon. Karen Johnson, Hon. Laura Knaperek and Hon. David Petersen, submits to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Arizona Supreme Court the following report.

During the year 2000, both the Child Support Coordinating Council Subcommittee (“Council”) and the Domestic Relations Reform Study Subcommittee (“DR Subcommittee”) continued to explore concepts for improving the child support and domestic relations systems. Subcommittee and workgroup deliberations resulted in recommended legislative changes as workgroups appointed by each

subcommittee developed ideas and evaluated recommendations for future change.

The Council was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve the child support system. The Council's efforts this year again evidenced the wisdom and importance of forging collaborative solutions. In 2000, the Legislature enacted legislation based on proposals developed and recommended by the Council. The product of various workgroups, the omnibus legislative proposal affects the centralized processing of support payments, allows the court to suspend interest on child support judgments for incapacitated or incarcerated payors, and clarifies that jury trials are not required in administrative appeals of child support matters. A separate legislative proposal submitted by Senator Petersen codifies earlier session law establishing the Council and DR Subcommittee and continues these groups until July 1, 2007.

Efforts of various Council workgroups have produced further recommendations intended for introduction to the Legislature in 2001. Proposed are amendments that clarify that only "future" interest may be suspended on child support judgments for incapacitated or incarcerated payors, clarify the

procedure for obtaining a judgment for child support arrearages, delete obsolete statutes, add a new procedure for intrastate transfer of child support cases from one county to the county where the child resides and make necessary technical corrections in child support statutes.

Notably, a Council work group continued throughout the year to improve the process for centralized processing of support payments. The committed efforts of the same group previously culminated in a statewide conversion to receipting, posting and distribution of all child support and spousal maintenance payments by a single clearinghouse earning the Governor's Spirit of Excellence Award.

When the DR Subcommittee reconvened at the end of the 1999 legislative session, members moved forward with the mission to broadly reform the state's domestic relations statutes. Rejuvenated by new members in late 1999, the Subcommittee embarked on strategic planning to set its agenda for the new millennium. Three new work groups were formed to focus on specific issues in the areas of education and prevention, substantive law and court procedures. Although no recommendations for legislative enactment were proposed during the Forty-fourth Legislature, the ground work was laid

for accomplishment of long-term objectives designed to facilitate the adjudication of domestic relations cases in the best interests of families and children. Efforts of the DR Subcommittee workgroups have produced recommendations intended for introduction to the Legislature in 2001.

CHILD SUPPORT ENFORCEMENT AND DOMESTIC RELATIONS REFORM COMMITTEE 2000 ANNUAL REPORT

INTRODUCTION

Historical Background

Session law establishing the Child Support Enforcement and Domestic Relations Reform Committee grew from the work of a legislative advisory committee.

In June 1993, Senator John Greene, President of the Senate, and Representative Mark Killian, Speaker of the House of Representatives, appointed a Joint Select Committee on Child Support Enforcement, co-chaired by Senator Matt Salmon and Representative Pat Blake Wilder, with the goal of creating an effective child support system for Arizona families and children. To assist in this effort, in July 1993, the Select Committee appointed a Technical Advisory Committee, co-chaired by David Byers, Administrative Director of the Courts, and Bonnie Tucker, Deputy Director of the Arizona Department of Economic Security.

The Technical Advisory Committee brought together the major stakeholders in the statewide child support arena. Membership represented a cross section of program administrators, parents, judicial officers and attorneys, creating a forum for meaningful debate on the issues facing Arizona's child support enforcement system.

The Technical Advisory Committee identified various problems within the system and recommended solutions for corrective action, including identification of the agency or entity responsible for initiating implementation. The Committee developed 57 recommendations, of which 28 required legislative action. At the conclusion of its mission, the Committee submitted a report of its recommendations, dated November 1, 1993.

In the course of deliberations, there was consensus that integrated planning and communication among all of the child support stakeholders is vital to ensure continued improvement in the system. Thus, the first recommendation made in the Committee's report was that a child support coordinating council be formed to provide a mechanism for on-going communication and integrated planning among stakeholders to ensure consistency in child support policies.

A specific problem identified by the Technical Advisory Committee concerned the difficulty in understanding laws and procedures resulting from the lack of integration of the statutes relating to domestic relations issues. To address this problem, it was recommended that a domestic relations reform study committee be established to consolidate, revise and modernize the domestic relations statutes.

Legislative Response

During the forty-first session, the Legislature created each of the two subcommittees proposed in the recommendations of the Technical Advisory Committee. By Laws 1994, Chapter 374, Section 24, both the Child Support Coordinating Council Subcommittee (“Council”) and the Domestic Relations Reform Study Subcommittee (“DR Subcommittee”) were established within a single legislative committee titled the Child Support Enforcement and Domestic Relations Reform Committee.

The Child Support Enforcement and Domestic Relations Reform Committee consist of the four co-chairs (or their designees) from each of the two subordinate subcommittees. This overarching committee was established to coordinate the work of the subcommittees, but is specifically directed not to

make substantive changes to the work, findings or recommendations of the two subcommittees. Any conflicts between the findings or recommendations of the subcommittees are to be referred back to the subcommittees for resolution.

Each of the subcommittees is co-chaired by a member of the Senate and a member of the House of Representatives. The enabling legislation identified the composition of each subcommittee's membership and prescribed the tasks to be undertaken. Reports are to be submitted by the subcommittees quarterly to the Child Support Enforcement and Domestic Relations Reform Committee. The overarching committee is responsible to report annually on the work, findings and recommendations of the subcommittees to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Arizona Supreme Court.

The original legislation creating the committee and its subcommittees was effective July 17, 1994. That same enabling law appropriated funds to the Arizona Supreme Court for costs associated with staffing the subcommittees. In July 1994, the Arizona Supreme Court designated the Domestic Relations Division of the Administrative Office of the Courts to provide that support.

The legislation which originally established the committee and its two subcommittees was scheduled for repeal from and after December 31, 1997. Provisions of law enacted in 1997 (Laws 1997, Chapters 45, 176 and 250) extended this date, so that each of the subcommittees was to continue to serve the public until December 31, 2000. In 1998, the Domestic Relations Division joined with the Court Services Division and became the Domestic Relations Unit. In 2000, the Domestic Relations Unit's name was changed to the Family Law Unit. New legislation (Laws 2000, Chapter 312) repealed Laws 1994, Chapter 374, Section 24 and added A.R.S. § 25-320.01 to statute. This new statute, effective as of July 18, 2000, creates the committee and subcommittees by statute, rather than session law, and extends the life of the committee and the two subcommittees until July 1, 2007. The new statute further specifies that the Domestic Relations Reform Study Subcommittee is to meet jointly with the Child Support Coordinating Council Subcommittee at least two times per year.

Membership

The session law originally enacted in 1994 outlined the membership of each subcommittee by position or category and directed how chairpersons would be appointed. In 1995, the Legislature amended this law. Chapter 44 of the Laws of 1995 altered the numbers of subcommittee members and attempted to balance political party representation of legislative members. The 1995 law also directly affected the composition of the Council.

Under the original law, the only legislative members of the Council were the two subcommittee co-chairs, one appointed from each legislative chamber. As amended, session law provided there shall be two members of the Senate from different political parties and two members of the House of Representatives, also from different political parties. As a result, two additional members, both of the minority party, were added to the Council in 1995. Co-chairperson positions were unaffected.

The 1995 amendment spoke to, but did not require a change in, membership of the DR Subcommittee. Under the original session law, the DR Subcommittee's membership included two members of the Senate and two members of the

House of Representatives, as well as a co-chairperson appointed from each chamber. The 1995 amendment changed session law to provide that the legislative membership should include three members of the Senate and three members of the House of Representatives, in each case not more than two of whom are from the same political party.

From the outset of its deliberations, six legislators have served on the DR Subcommittee--three members of the state Senate and three members of the House of Representatives. Of these, four are of the majority party and two are of the minority party, achieving the political balance intended by the 1995 amendment.

A 1997 amendment altered the membership of the DR Subcommittee. From the inception, six parents served on the subcommittee--two custodial parents, two non-custodial parents and two parents having joint custody, all of whom must be knowledgeable in domestic relations issues. In 1997, the Legislature added two additional parent members without any requirement of custodial status (Laws 1997, Chapter 176, Section 2). This addition permitted parents who are not divorced or separated to serve. In 2000, by statute the Legislature added four additional members: representative of a domestic violence coalition; representative of a domestic

violence coalition; representative of a faith-based organization knowledgeable in domestic relations issues; and marriage and family therapist.

In 1997, the Legislature added additional requirements of membership. An amendment (Laws 1997, Chapter 173) to the original enabling law (Laws 1994, chapter 374, section 24) provided that members of each subcommittee shall serve two-year terms at the pleasure of the official or officials who appointed them. Additionally, the law specified that the appointments shall be made at the start of each even fiscal year and that members may be reappointed.

In 2000, the Legislature again added additional requirements of membership. Parent members now may not be judges or commissioners. Parent members who are judges or commissioners may serve out the remainder of their terms, however.

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE 2000

Summary

In 2000, the importance of the Child Support Coordinating Council ("Council") as a recognized forum for cooperative decision making in the area of child support enforcement was reaffirmed. An omnibus legislative package developed by the Council was passed by the Legislature in 2000. Among its provisions are amendments that affect the centralized processing of support payments, codify earlier session law establishing the Council and DR Subcommittee and continue these groups until the end of 2007, allow the court to suspend interest on child support judgments for incapacitated or incarcerated payors, and clarify that jury trials are not required in administrative appeals of child support matters.

Through the activities of various workgroups, additional recommendations for legislation improving the child support system were developed for introduction in 2001. Proposed are amendments that clarify that only "future" interest may be suspended on child support judgements for incapacitated or

incarcerated payors, clarify the procedure for obtaining a judgment for child support arrearages, delete obsolete statutes, add a new procedure for intrastate transfer of child support cases from one county to the county where the child resides and make necessary technical corrections in child support statutes.

Membership

The session law originally establishing the Council (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed.

Chief Justice Zlaket signed Administrative Order 2000-67 appointing Judge Bethany G. Hicks to the Council as Presiding Judge from the Domestic Relations Department of the Superior Court (Urban). Judge Hicks replaced Judge Mark W. Armstrong, whose membership expired by virtue of his new position as Associate Presiding Judge of Superior Court in Maricopa County. Judge Armstrong served actively on the Council not only as a member but as both chair and member of several workgroups for three years. Judge Hicks was a Commissioner in the Superior Court in Maricopa County for approximately five years and rotated through every assignment in that capacity before her current assignment in Family Court, Superior Court in Maricopa County.

Judge Robert Duber II resigned from his Council position of Presiding Judge from the Domestic Relations Department of the

Superior Court (Rural). A replacement will be named in 2001.

Other appointments made in 2000 include:

<i>Position</i>	<i>New Member</i>	<i>Former Member</i>
IV-D Director Department of Economic Security	Benidia Rice	Leona Hodges
Custodial Parent House Appointment	Carmela Trapani	Laura Elmer
Custodial Parent Senate Appointment	Penny Higginbottom	Vacant

Work, Findings and Recommendations

The Council held five meetings during the year. At each meeting, public comments were encouraged to assist the Council's efforts. Throughout the year, existing workgroups, in addition to one newly formed sub-workgroup, continued to meet and develop recommendations for improvement to the child support enforcement system. Of particular note were the efforts of a workgroup whose purpose was to implement recently enacted federal legislation aimed at protecting victims of domestic violence in the child support system.

Tasks and Objectives

Listed below is a description of the major activities by Council workgroups.

Centralized Payment Processing Workgroup

One workgroup of the Council continues to coordinate and improve the process for centralized processing of support payments

Historically, all court-ordered child support was paid either directly to the person entitled to receive support (the “obligee”) or, when ordered by the court, through the court clerk. With the advent of mandated orders of assignment (or “wage assignments”), fewer payments were made directly between the parties. Instead, payments came to the court clerk from the obligor’s employer or other payor. Receipting and posting of support payments and distribution to the obligee was performed by the court clerk in each of Arizona’s counties. With the establishment of the joint federal-state IV-D Program, responsibility for payment processing began to shift, depending on case type. The IV-D program provides child support enforcement services to public assistance recipients and others upon request. Court clerks continued to receipt, post and

distribute payments in cases that were not serviced by the state. A different system evolved for IV-D cases and payment processing became bifurcated depending on case type.

Prompted by federal mandates, state legislation in 1985 required the IV-D agency to established a central clearinghouse to “receive, disburse and monitor” support payments in IV-D cases (46-441, Arizona Revised Statutes). A system was developed to record payments on an automated statewide computer system for processing through the support payment clearinghouse. Still, payments continued to be made to a Superior Court Clerk or to the clearinghouse, depending on the specific county involved. Subsequent federal welfare reform legislation directed states to effectuate centralized payment processing in both IV-D and certain, but not all, non-IV-D cases. Legislation was enacted in Arizona in 1997 (Laws 1997, Chapter 219) consistent with the federal mandate. However, as a result of the work of the Council, added to this legislation were amendments to state law that authorized the support payment clearinghouse to receive and disburse all monies applicable to support or spousal maintenance on or before October 1, 1999 (unless the court had specifically ordered otherwise).

The Council workgroup undertook the mission of

implementing centralization of all child support and spousal maintenance payments by December 1, 1998. Among the substantial tasks involved was connecting the Superior Court Clerks to the statewide child support database and converting data in non-IV-D cases from the records of individual court clerks to that database. Conversion involved loading information in approximately 60,000 non-IV-D support cases into the state database. On schedule, the “switch” was turned on and centralized payment processing became a reality. With this bold step, Arizona became one of the first states in the nation to operate a centralized clearinghouse for the collection and distribution of all child and spousal support.

The conversion benefitted many sectors. Families and children are better served by efficient and expeditious processing of support payments and centralized record keeping. Employers and other payers who deduct earnings or other monies pursuant to orders of assignment now forward payments to one Arizona collection point, rather than to up to sixteen different locations as under the previous system. State taxpayers benefit from the cost savings and economies of scale offered by a single collection entity. The integrity of the support processing system itself is enhanced by reducing the incidence of loss, errors or mismanagement.

In Fiscal Year 2000, over \$253 million was collected and processed through the support payment clearinghouse. More than \$1 million was processed daily. Misdirected payments continue to be reduced and posting errors remain at less than 1% of the total payments posted.

Although centralization has been realized, the commitment and efforts of those involved in the process continue. Identified issues are being addressed expeditiously through cooperative efforts of this collaborative, multi-agency workgroup. This successful collaboration will insure that payments continue to be processed timely. The success of this workgroup was rewarded by the receipt of the Governor's Spirit of Excellence Award. Throughout 2000, solutions were coordinated by the Council workgroup with the cooperation of all stakeholders, particularly the Clerks of the Superior Court, the IV-D agency and the Administrative Office of the Courts.

Child Support Guidelines Workgroup

This workgroup was formed upon the request of the AOC to assist the Family Law Unit of the Court Services Division in its review of the child support guidelines.

Section 25-230 of the Arizona Revised Statutes directs

the Supreme Court to”...establish guidelines for determining the amount of child support.” Additionally, the Supreme Court is required to “...review the guidelines at least once every four years to ensure that their application results in the determination of appropriate child support amounts.”

Since the initial adoption in 1987, the guidelines have been reviewed four times. The last review was conducted in 1995, and revised guidelines were adopted by the Supreme Court on July 10, 1996, for actions filed after October 31, 1996. Consistent with state and federal law, Arizona’s guidelines were studied again in 1999 for implementation in 2000.

In past years, specialized committees have been appointed to conduct the review process. Rather than establish a new committee, the Council was asked to assist in the review. The Council appointed the Child Support Guidelines workgroup to fill this role. The workgroup developed a set of proposals to aid the Supreme Court in meeting its statutory obligation to ensure that application of the guidelines results in the determination of appropriate child support amounts. Ultimately, all proposals for change were reviewed by designated court committees, including the Committee on Superior Court and the Arizona Judicial Council, before submission for consideration by the

Supreme Court.

The Supreme Court, on September 28, 2000, unanimously adopted the proposed changes to the guidelines proposed by the workgroup with an effective date of January 1, 2001.

Although this workgroup was formed to specifically address the 1999 guidelines review, the Council chose to continue the workgroup as a standing committee so that public comment about the new guidelines can be entertained through the next four years. Information gleaned from this process will help form proposals for changes in 2003.

Financing Workgroup

This workgroup was formed upon the request of the Office of the Auditor General. Under consideration was the method by which the child support enforcement program should be financed in the future. The workgroup was charged with the responsibility of studying whether the program should continue as a cost recovery program or as a public service program funded through appropriations.

As part of the process, the group studied the structural funding issues of how the IV-D program is funded in Arizona and the income levels of parties in IV-D cases in Arizona. The group brought its recommendations to the Council in March, 2000 with final adoption in July, 2000.

Recommendations from the Council, based on the findings of this workgroup, were reported to the legislature in October, 2000. *The*

Council reported that it had carefully reviewed the material gathered by the Financing Workgroup and believe it is in the best interest of the State of Arizona that a strong child support enforcement program be maintained. Continuation of the improvements in performance that the child support program has achieved in recent years, documented by the Auditor General, should not be hindered by a systemic shortage of funds.

The Council further reported that the responsibility to maintain a strong child support enforcement program should be a general government responsibility borne by all Arizona taxpayers and that it is ill-advised to seek the correction of the funding shortfall through user fees.

The Council recommended that the Arizona Legislature correct the funding shortfall in the Arizona IV-D Child Support Enforcement Program through either appropriations or a dedicated funding source; user fees should be avoided as a means of correcting the shortfall.

Interestingly, the Arizona IV-D Child Support Enforcement Program did not experience a shortfall in Fiscal Year 2000; in fact, a small surplus was reported and a shortfall in Fiscal Year 2001 is not expected either. However, in six Arizona counties, the county provides child support services in place of the IV-D

Child Support Enforcement Program. Some counties have experienced a shortfall and expect all counties are likely to follow that trend. Due to this recognition, the Council formed an ongoing Financing Workgroup to address broader issues related to not only the IV-D Child Support Enforcement Program but the counties also.

Non-Disclosure Indicator Workgroup

The focus of this workgroup was to examine ways to comply with new federal law requiring that states flag child support cases where domestic violence exists. Placing a flag on these cases serves to protect the address and demographic information of that individual.

The group first examined on what basis the Family Violence Indicator would be "turned on". Upon their recommendation, the Council originally adopted a policy turning on the indicator when one of the following occurs:

- an Order of Protection or Temporary Restraining Order has been issued in Arizona or has been afforded full faith & credit in Arizona; or
- a IV-D case has been deemed a 'good cause' case meaning the IV-D agency will not proceed with enforcement due to domestic violence issues.

A third recommendation was adopted which altered the terminology used to refer to these cases from Family Violence Indicator to Non Disclosure Indicator. The intent of the change was to address potential concern that placement of the indicator on a

party might indicate guilt of violence.

The group continued meeting and proposed additional recommendations in 2000. The Council adopted an additional policy turning on the indicator when one of the following occurs:

- the period of time a "good cause" investigation is underway that has been applied for by an applicant for IV-D child support services;
- the court has ordered protection of an individual's address and demographic information in a hearing that is not an Order of Protection or Temporary Restraining Order hearing;
- a petition for Order of Protection or Temporary Restraining Order has been filed but *has not been granted*.

In October, 2000, the IV-D Child Support Agency set a virtual flag on all custodial parents and children in the state case registry which interfaces with the federal child support case registry. This was done to comply with the time frames imposed by the federal law. Eventually, the virtual flag will be lifted from all but those cases that meet the criteria adopted by the Council.

The group will continue collaborating with the Division of Child Support Enforcement to facilitate these changes to their automated child support system. Future gatherings will serve to streamline the process and identify methods of improvement as needed.

Relocation Issues Workgroup

This workgroup was formed in 2000 to address issues related to increased transportation costs for the noncustodial parent when the custodial parent and child(ren) move a great distance to a new physical location. Although the group did not meet in 2000, it will meet in January, 2001.

Review of Child Support Statutes Workgroup

This workgroup has functioned since 1997 to examine particular statutes related to child support enforcement to identify inconsistencies, lack of clarity, or unnecessary duplication and to recommend improvements. Again this year, the workgroup developed proposals for legislative change. Please see the following section titled "Recommendations for Legislative Action" for additional details about legislation enacted in 2000 and proposed for 2001.

Recommendations for Legislative Action

The product of various subcommittee workgroups resulted in an omnibus legislative proposal being recommended for passage during the Second Regular Session of the Forty-fourth Legislature in 2000. Introduced as Senate Bill 1348 under sponsorship of Council co-chair Senator David Petersen, the proposals were adopted as Laws 2000, Chapter 312, which added A.R.S. § 25-320.01.

The primary element codifies earlier session law establishing the Child Support Coordinating Council Subcommittee and the Domestic Relations Reform Study Subcommittee into permanent statute and continues these groups until the end of 2007.

Also, included in the legislation are provisions that:

- Further the centralized processing of child support and spousal maintenance payments by transferring authority to receive payment processing fees from the clerks of court to the support payment clearinghouse and prioritizing the order in which those fees are deducted from payments made to the clearinghouse.
- Allow the court to suspend interest on child support judgments issued under Title 25, if the requesting party is incarcerated or

incapacitated.

- Provide that judicial reviews of administrative decisions under A.R.S. § 25-522 shall be tied to the court and not to a jury.
- *Clarify that workman's compensation benefits are eligible for assignment for payment of child support and spousal maintenance.*

During 2000, a workgroup appointed to recommend improvements to existing child support statutes developed proposals for introduction to the Legislature in 2001. Based on these efforts, the Council has proposed amendments that clarify that only "future" interest may be suspended on child support judgments for incapacitated or incarcerated payors, clarify the procedure for obtaining a judgment for child support arrearages, delete obsolete statutes, add a new procedure for intrastate transfer of child support cases from one county to the county where the child resides and make necessary technical corrections in child support statutes.

Other Issues Before the Council

Council workgroups continue to identify methods to improve the child support enforcement system.

Throughout the year, the Council maintained its knowledge of issues related to child support enforcement by inviting presentations on relevant topics. Terry Martin, Office of the Attorney General, was invited to speak to the group on privacy issues in terms of child support enforcement. With the advent of the Internet, private citizens have increased access to monitor the functioning of courts and government. Concerns and issues with data on the Internet include identity theft, forgeries due to the ability to copy imaged signatures, ease of locating people and people profiling by marketers.

Future Actions

The Council is committed to the continued development of mechanisms and procedures to enhance the delivery of child support services to the families and children of Arizona. Workgroups will continue to explore issues currently under discussion and endeavor to increase public awareness of child support issues. Implementation of the non disclosure indicator goes forward with cooperation among all system participants. As chartered, the Council will maintain its important role in providing a forum for cooperative decision making and cohesive

policy development among all interested stakeholders in the child support enforcement system.

DOMESTIC RELATIONS REFORM

STUDY SUBCOMMITTEE

2000

Summary

In the year 2000, the Domestic Relations Reform Study Subcommittee (“Subcommittee”) revitalized and refocused. The Subcommittee did not meet during the second regular session of the forty-fourth Legislature (spring, 2000). No meetings were held until September 20, 2000, largely due to efforts on the part of various individuals to put an end to the Subcommittee. However, due to the statutory, rather than session law creation of the committee and two subcommittees in A.R.S. § 25-320.01 by the Legislature, the DR Subcommittee was given new life and new interest rekindled.

Under the leadership of Legislative Co-chair Representative Karen Johnson, membership vacancies were addressed, meetings were held and the workgroups continued to meet to establish future goals to develop specific recommendations for reform of the domestic relations system. The Subcommittee held four public meetings during the year,

three of the Subcommittee itself and one joint meeting with the Child Support Coordinating Council, as required by the new statute. Recommendations were advanced to the Legislature for enactment in 2001, and a renewed foundation was laid for accomplishment of long-term objectives designed to improve domestic relations laws and procedures in the best interests of families and children. Amendments are proposed which change the term "visitation" for "parenting time" in the family statutes and the Subcommittee is studying a form of presumption for joint legal custody.

Membership

Rep. Karen Johnson, co-chair, attempted to fill the non-legislative open member positions during the fall, 2000. Member appointments must be made jointly by the two co-chairs, with the joint approval of the speaker of the House of Representatives and the president of the Senate. Rep. Johnson has been reviewing the applications of many persons interested in serving on the Subcommittee.

At the end of 2000, there were nine vacancies in the Subcommittee membership. The open positions designated by statute are for a domestic relations mediator, a custodial parent, a parent and a non-custodial parent. These positions

opened due to the resignations during the year of Russell Schoeneman (mediator), Kathy Tolman (non-custodial parent), Diane Kerns (parent) and Corrine Harper (custodial parent). During the year, the four other positions created by the new statute became available: conciliation court representative, faith-based organization representative, domestic violence coalition representative and marriage and family therapist. All nonlegislative members of the Subcommittee are appointed by the co-chairs with the approval of Legislative Leadership. In addition, Senator Ann Day's position as co-chair is now open, as she did not renew her bid for a Senate position in the recent election.

Work, Findings and Recommendations of the Subcommittee

The DR Subcommittee is specifically charged in its enabling legislation (A.R.S. § 25-320.01) to recommend changes to reform the state's domestic relations statutes.

Four meetings of the Subcommittee were held during 2000: on September 20, September 27 (joint meeting with Council), October 11, and December 13. A fourth meeting scheduled in November was canceled when legislative members were called into a special session.

In the first part of the year, opportunities for the Subcommittee to meet were limited by the busy pace of the legislative session. The forty-fourth Legislative session (second session) did not adjourn until April 18, 2000. Meetings were further hindered by the uncertain status of the Subcommittee's existence until passage of new enabling legislation (new A.R.S. § 25-320.01) effective July 18, 2000. However, two of the three workgroups of the Subcommittee continued to meet all year (Substantive Law and Court Procedures) and were prepared to open topics of discussion and consideration in the September 20, 2000 meeting. In September, 2000 the Subcommittee decided to continue to meet in spite of Rep. Johnson's inability to make appointments to the non-legislative positions.

The DR Subcommittee has recommended, after study by the Substantive Law workgroup, replacing the term "visitation" with the term "parenting time" in all Arizona family statutes for consideration by the Legislature in 2001. The DR Subcommittee has also been studying a possible recommendation to adopt presumptions of joint custody, both legal and physical, with a presumption of equal parenting time periods for both parents. The DR Subcommittee agreed on

recommending the proposal to the Legislature regarding the change in terminology from “visitation” to “parenting time” to eliminate the feeling of many parents that they are a “visitor” instead of a parent.

At meetings on September 20, October 11 and December 13, members developed and discussed many additional topics for study and possible reform. The DR Subcommittee has voted to recommend passage of proposed A.R.C.P. Rule 53.1 regarding the use of special family law masters. The Court Procedures workgroup is undertaking a new study of the effectiveness of dedicated family law benches rather than the rotating bench approach and Judge Mark Armstrong has given a presentation for statewide study regarding the Integrated Family Court concept being developed in the Maricopa County Superior Court. The DR Subcommittee voted to have monthly meetings in order to progress in its work and has scheduled the meetings monthly during the 2001 Legislative session from 4-6 p.m. in order to facilitate the attendance of legislator members.

Future Actions

The Subcommittee will continue to pursue a strategy for accomplishing the long-term goal of reforming domestic relations laws and procedures. The impact of domestic relations matters on families and children demands that resolution systems operate fairly, efficiently and as family-friendly as practicable. Rejuvenated with the new enabling legislation and promise of continued existence until 2007, existing members of the Subcommittee are eagerly awaiting the infusion of new members in January, 2001 and a new co-chair from the Senate. The DR Subcommittee is poised for creative action toward meaningful solutions. As always, the Subcommittee also stands prepared to serve as a clearinghouse for new ideas and proposals and to provide advice to the Legislature in order that system changes are developed in a coherent manner.

The first joint meeting with the Child Support Coordinating Council was held on September 27, 2000. Member attendance and public interest were impressive. The workgroup chairs of both subcommittees gave reports of the work and study projects of their respective workgroups. The combined membership also engaged in strategic planning and developed several topics for future study and focus.

*APPENDIX TO
CHILD SUPPORT ENFORCEMENT AND
DOMESTIC RELATIONS REFORM
COMMITTEE
2000 ANNUAL REPORT*

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

Purpose

Pursuant to A.R.S. § 25-320.01, the Child Support Coordinating Council Subcommittee was formed to:

- Coordinate and review plans of various government agencies.*
- Make recommendations regarding child support enforcement and related issues to the Child Support Enforcement and Domestic Relations Reform Committee.*
- Develop a plan to implement a statewide parent education program. (With successful implementation of this program effective in 1997, the mandate to develop a program was stricken from session law by Laws 1997, Chapter 176.)*

Membership

Membership consists of the following members or their designees who have knowledge of or experience in, child support enforcement and related issues:

- The Director of the Department of Economic Security.*
- The Assistant Director of the Division of Child Support Enforcement of the Department of Economic Security.*
- A Division or Section Chief from the Office of the Attorney General who is appointed by the Attorney General.*
- The Director of the Arizona Supreme Court Administrative Office of the Courts.*
- Two Presiding Judges from the domestic relations department of the superior court who are appointed by the Chief Justice of the Arizona Supreme Court; one judge from an urban county, and one judge from a rural county.*
- A title IV-D Court Commissioner who is appointed by the Chief Justice of the Arizona Supreme Court.*
- A Clerk of the Superior Court who is appointed by the Chief Justice of the Arizona Supreme*

Court.

- *Two County Attorneys who are appointed by the Director of the Department of Economic Security from a county that is currently contracting with the state to provide child support enforcement services; one County Attorney from an urban county and one County Attorney from a rural county.*
- *An Executive Assistant from the Office of the Governor who is appointed by the Governor.*
- *One person knowledgeable in child support issues who is a noncustodial parent and one person knowledgeable in child support issues who is a custodial parent, who are appointed by the President of the Senate.*
- *One person knowledgeable in child support issues who is a noncustodial parent and one person knowledgeable in child support issues who is a custodial parent, who are appointed by the Speaker of the House of Representatives.*
- *One parent knowledgeable in child support issues who has joint custody who is appointed jointly by the President of the Senate and the*

Speaker of the House of Representatives.

- *One person from the Executive Committee of the Family Law Section of the State Bar of Arizona who is appointed by the Chief Justice of the Supreme Court.*
- *One person from the business community who is appointed jointly by the President of the Senate and the Speaker of the House of Representatives.*
- *Two members of the Senate from different political parties.*
- *Two members of the House of Representatives from different political parties.*

The President of the Senate shall appoint the two Senate members and designate one of the members as the co-chairperson. The Speaker of the House of Representatives shall appoint the two House of Representatives members and designate one of the members as the co-chairperson. Each co-chairperson may appoint additional members to the Child Support Coordinating Council Subcommittee to serve as non-voting technical experts. Members shall serve two-year terms at the pleasure of the official or officials who appointed them. Appointments shall be made at the start of each even fiscal year and members may be reappointed.

Reports of the Council's work are required to be submitted quarterly to the Child Support Enforcement and Domestic Relations Reform Committee.

CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE

List of Members

Co-chairs: Representative Laura Knaperek

Senator David Petersen

Honorable Linda Aguirre
Arizona State Senate

Jodi R. Beckley
Executive Assistant
Governor's Office

David K. Byers
Administrative Director of the
Courts

Bryan Chambers for Jerry DeRose
County Attorney Providing
Enforcement Services

John Clayton
Director
Department of Economic Security

Honorable Robert Duber II
Domestic Relations Judge (Rural)

Kim Gillespie for Noreen Sharp
Office of the Attorney General

Conrad Greene
Noncustodial Parent

Honorable Beth G. Hicks
Presiding Judge (Urban)

Penny Higginbottom
Custodial Parent

Honorable Michael Jeanes
Clerk of the Superior Court
in Maricopa County

David Norton
Noncustodial Parent

Honorable David R. Ostapuk
State Bar Family Law Section
Executive Committee

Honorable Rhonda L. Repp
IV-D Commissioner

Benidia Rice
IV-D Child Support Director
Department of Economic Security

Honorable Rebecca Rios
Arizona House of Representatives

Chuck Shipley
Business Representative

Russell Smoldon
Joint Custody Parent

Carmela Trapani
Custodial Parent

Bianca Varelas for Barbara LaWall
County Attorney Providing
Enforcement Services

DOMESTIC RELATIONS REFORM

STUDY SUBCOMMITTEE

Purpose

Pursuant to A.R.S. § 25-320.01, the Domestic Relations Reform Study Subcommittee was formed to:

- Recommend changes to the domestic relations statutes, rules and procedures and other related issues each year in a phased-in approach designed to lead to a reform of the state's domestic relations statutes.*
- Clarify the rights of grandparents in domestic relations issues.*
- Report to the child support enforcement domestic relations reform Committee quarterly.*

Membership

The Domestic Relations Reform Study Subcommittee consists of the following members:

- Two noncustodial parents knowledgeable in domestic relations issues who are not judges or commissioners.*

- Two custodial parents knowledgeable in domestic relations issues who are not judges or commissioners.
- Two parents who have joint custody who are knowledgeable in domestic relations issues who are not judges or commissioners.
- Two parents knowledgeable in domestic relations issues who are not judges or commissioners.
- One active or retired judge or commissioner from the domestic relations department of the superior court.
- One domestic relations attorney.
- One Clerk of the Court.
- A professional domestic relations mediator.
- A psychologist experienced in performing child custody evaluations.
- A domestic relations educator experienced in matters relating to parenting or divorce classes.
- A representative of a statewide domestic violence coalition.
- A representative of a conciliation court.
- A marriage and family therapist who is

knowledgeable in domestic relations issues.

- A representative from a faith-based organization who is knowledgeable in domestic relations issues.
- An Administrative Officer of the Supreme Court.
- Three members of the Senate, not more than two of whom are from the same political party. The president of the Senate shall appoint the members and designate one of the members as the co-chairperson.
- Three members of the House of Representatives, not more than two of whom are from the same political party. The speaker of the House of Representatives shall appoint the members and designate one of the members as the co-chairperson.

The President of the Senate shall appoint the three Senate members and designate one of the members as the co-chairperson. The Speaker of the House of Representatives shall appoint the three House of Representatives members and designate one of the members as the co-chairperson. Non-legislative members are appointed by the co-chairs with the approval of the President of the Senate and the Speaker of the House

of Representatives. Members shall serve two-year terms at the pleasure of the official or officials who appointed them. Appointments shall be made at the start of each even fiscal year and members may be reappointed.

Reports of the Subcommittee's proposals for change are required to be submitted quarterly to the Child Support Enforcement and Domestic Relations Reform Committee.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE

Members

Co-chairs:

Representative Karen Johnson

Senate Position Vacant

Honorable Mark Anderson
Arizona House of
Representatives

Custodial Parent

Terrill J. Haugen
Noncustodial Parent

Honorable Mark Armstrong
Parent

Honorable Alma Jennings

Haught, by Kimerlee
Johnson,

Alice L. Bendheim
Domestic Relations
Attorney

Clerk of the Court

Beverley Boyd
Administrative Officer of
the Supreme Court

Vacant
Parent

Sanford Braver, Ph.D.
Domestic Relations
Educator

Honorable David Petersen
Arizona State Senate

Honorable Jack Brown
Arizona State Senate

Honorable John M. Quigley
Domestic Relations Judge

Honorable Kathi Foster
Arizona House of
Representatives

Vacant
Domestic Relations
Mediator

Vacant

Ellen Seaborne
Custodial Parent

Vacant

Noncustodial Parent

Deborah Woods-Schmitt

Parent with Joint Custody

Brian W. Yee, Ph.D.

Psychologist with Child
Custody

Evaluation Experience

Jeffrey C. Zimmerman

Parent with Joint Custody

Vacant

Representative of a
statewide domestic violence
coalition

Vacant

Representative of
Conciliation court

Vacant

Representative of a
faith-based organization
who is knowledgeable
in domestic relations issues

Vacant

Marriage and family
therapist who is
knowledgeable in domestic
relations issues

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