

**CHILD SUPPORT COORDINATING COUNCIL SUBCOMMITTEE**  
**Meeting Minutes – January 12, 2001**

**Members Present:**

Beverley Boyd for Dave Byers  
Todd Bright for Benidia Rice  
Bryan Chambers for Jerry DeRose  
Bruce Gentillon  
Kim Gillespie for Noreen Sharp  
Hon. Bethany Hicks

Hon. Michael Jeanes  
David Norton  
Hon. Rhonda Repp  
Benidia Rice for John Clayton  
Russell Smoldon

**Members Absent:**

Hon. Linda Aguirre  
Jodi Beckley  
Penny Higginbottom  
Hon. David Ostapuk

Chuck Shipley  
Carmela Trapnia  
Bianca Varelas

**Staff:**

Megan Hunter

Isabel Gillett

**Guests:**

Hon. Mark Armstrong  
Judy Bushong  
Kathie Pearson  
William Sturgiss

Superior Court in Maricopa County  
Superior Court in Maricopa County  
Office of the Attorney General  
Parent

**Call Meeting to Order**

The meeting was called to order by Michael Jeanes at 3:10 p.m.

**Announcements**

Senator Petersen was unable to attend this meeting and appointed Michael Jeanes to chair the meeting in his place.

Bruce Gentillon was introduced as the Senate-appointed noncustodial parent. Mr. Gentillon, noncustodial parent of two children, resides in Phoenix. He replaces long-time member Conrad Greene.

A letter and Certificate of Appreciation from Chief Justice Zlaket to Judge Duber for his years of dedicated service to this committee was acknowledged.

A replacement for Representative Knaperek has not been named to date. Senator Petersen was re-appointed as Senate co-chair of the Council.

### **Approval of Minutes**

The minutes reflect a change in the attendance list from the December 6, 2000 meeting. Kim Gillespie noted one change: the second paragraph on page three should be moved beneath the third paragraph. The minutes of the meeting of December 6, 2000 were unanimously approved.

### **Legislative Proposals**

**Hon. Mark Armstrong**

At the last meeting, five of the eight Statute Cleanup Workgroup legislative proposals were approved and subsequently introduced by Senator Petersen as Senate Bill 1057. Judge Armstrong will attend the hearings and provide testimony as needed. The remaining three proposals were reviewed by the workgroup. Judge Armstrong explained that the workgroup decided to withdraw A.R.S. 25-527 as a proposal for this year's legislative session. It can be reviewed in the future for revision.

#### **A.R.S. 25-502**

This proposal was tabled at the last meeting to allow time for members to review the proposed revisions. The workgroup also reviewed and made changes to address concerns expressed at the last meeting. Commissioner Ostapuk's concern regarding clarification that the original change of venue statutes should be used in divorce proceedings was addressed. The new language specifies the original change of venue statutes must be used where no court order or action exists under Title 25, Section 3.

Benidia Rice noted that current law allows parties to file an action immediately in the second county. Proposed revisions would require filing an action in the first county before filing in the second county. Doing so potentially lengthens the process and prohibits expeditious modification and enforcement, which the IV-D agency is required to have under federal law. Ms. Rice recommended that language be revised to treat enforcement and modification separately.

The new language gives opportunity for the judicial officers to review the entire file and provides uniformity statewide. Another benefit is that it prioritizes the county of residence of the child for purposes of venue and eliminates multiple orders of assignment and venue shopping.

The following will be revised, then circulated to Council members before forwarding to the Legislature:

- Subsection A.1. - change "county of **this** state" to "county of **the** state."

- Subsection A.2. - add comma in the 8<sup>th</sup> line behind “reside in this state,” and remove the comma from line 9 at the end of “which a party resides,”.
- Subsection A – delete references to establishment and modification
- Remaining sections – delete references to enforcement

The Council voted unanimously to amend the proposal.

### **A.R.S. § 25-513**

The workgroup reviewed this proposal to address concerns regarding the additional burden the proposal’s provisions could place on employers. The proposal was scaled back to restrict gathering of financial information until an Order of Paternity has been established. The IV-D agency can still get that information through administrative subpoena, but a private individual could not. The Legislature’s original intent was to not allow the IV-D agency or private individuals to obtain asset information of a noncustodial parent.

A concern was raised regarding protection from criminal prosecution for state and county attorney child support caseworkers when requesting income information for a child support order. Adding the same information from subsection B should address the issue sufficiently.

The following will be revised, then circulated to Council members before forwarding to the Legislature:

- Subsection C - Delete “which prevails”
- Subsection F.4 - include reference to subsection A, paragraphs 5, 7, 8, 9 and 10

The Council voted unanimously to amend the proposal. Ms. Hunter will draft the amendments to both proposals, then send them to the members for review and comment before the bill is introduced in the legislature.

### **Guidelines Workgroup**

**Hon. Mark Armstrong**

Judge Armstrong reported that the workgroup met January 11, 2001. The issue receiving the most attention was the uncovered medical expenses included in the Schedule of Basic Support Obligations. Confusion exists as to the correct manner in which to address the issue. The group will meet again in two weeks, then bring a recommendation to the Council for voting purposes.

### **New Business**

No new business.

### **Public Comment**

Chris Soutirou, parent, expressed concern regarding proposed legislation that would allow mothers to drop newborns off at designated places without penalty. Michael Jeanes indicated that Mr. Soutirou could contact the sponsor of that bill to express his concerns.

### **Next Meeting of the Council**

The next meeting will be held February 27, 10:00 a.m. - 2:00 p.m. at the Department of Education, Room 417, 1535 W. Jefferson, Phoenix.

### **Adjournment**

Michael Jeanes adjourned the meeting at 4:23 p.m.