



CHILD SUPPORT COMMITTEE

State of Arizona

2004 Annual Report

Submitted by:
Representative Peter Hershberger
Senator Jim Waring

TABLE OF CONTENTS

Executive Summary	1
Introduction	2
<i>Historical Background</i>	<i>2</i>
<i>Legislative Response</i>	<i>3</i>
<i>Membership</i>	<i>5</i>
Child Support Committee 2004	7
<i>Summary</i>	<i>7</i>
<i>Membership</i>	<i>8</i>
<i>Work, Findings and Recommendations</i>	<i>9</i>
Tasks and Objectives	9
Guidelines Workgroup	9
Strategic Planning Workgroup	9
Child Support Solutions Workgroup	10
Funding & Automation Workgroup.....	10
Public Outreach/Customer Service Workgroup ...	11
Statute Review Workgroup	11
Recommendations for Legislative Action.....	12
Other Issues Before the Council.....	13
<i>Future Actions</i>	<i>13</i>

TABLE OF CONTENTS, continued

Appendix

Child Support Committee i
***Purpose* i**
***Membership* ii**
***List of Members* iv**

CHILD SUPPORT COMMITTEE 2004 ANNUAL REPORT

EXECUTIVE SUMMARY

As required by law (A.R.S. §25-323.01), the Child Support Committee, jointly chaired by Representative Peter Hershberger and Senator Jim Waring, 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.

The Child Support Committee (“Committee”) was created in 2002 to continue the work of its predecessor, the Child Support Coordinating Council Subcommittee. The Committee’s purpose to explore concepts for improving the child support system again proved to be successful and beneficial to Arizona’s residents as evidenced by the passage of legislative proposals designed to enhance the child support system. A strategic plan developed by the Committee in 2003 created three new ad hoc workgroups who began studying and developing recommendations to the Committee for improvements to system processes and various child support laws. The long-standing Statute Review Workgroup continued their exemplary work to enhance the child support system in Arizona.

The Committee was originally conceived as a forum for all system stakeholders to develop and coordinate policies and strategies to improve the child support system. The Committee’s efforts evidenced the wisdom and importance of forging collaborative solutions. Efforts of various Committee workgroups have produced additional recommendations intended for introduction to the Legislature and Arizona Supreme Court in 2005.

CHILD SUPPORT COMMITTEE 2004 ANNUAL REPORT

INTRODUCTION

Historical Background

Session law establishing the original 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 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. Fifty-seven recommendations, of which 28 required legislative action, were developed. 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.

The Technical Advisory Committee also identified a problem concerning the difficulty in understanding laws and procedures due to the lack of integration of the statutes relating to domestic relations issues. To address this problem, the Technical Advisory Committee 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 overarching legislative committee called the Child Support Enforcement and Domestic Relations Reform Committee.

The Child Support Enforcement and Domestic Relations Reform Committee consisted of the four co-chairs from each of the two subordinate subcommittees. This overarching committee was established to coordinate the work of the subcommittees, but was 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 were to be referred back to the subcommittees for resolution.

Each of the subcommittees was 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 were to be submitted by the subcommittees quarterly to the Child Support Enforcement and Domestic Relations Reform Committee. The overarching committee was 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 overarching 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 (AOC) to provide that staff support.

The legislation that 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 continued to serve the public until December 31, 2000. New legislation (Laws 2000, Chapter 312) repealed Laws 1994, Chapter 374, Section 24 and added A.R.S. § 25-320.01 to statute. This statute, effective as of July 18, 2000, created the committee and subcommittees by statute, rather than session law, and extended the life of the committee and the two subcommittees until July 1, 2007. The statute further specified that the Domestic Relations Reform Study Subcommittee was to meet jointly with the Child Support Coordinating Council Subcommittee at least twice each year.

Legislation passed in 2002 (Laws 2002, Chapter 332) eliminated the Child Support Enforcement and Domestic Relations Reform Committee, the Child Support Coordinating Council Subcommittee and Domestic Relations Reform Study Subcommittee. The new law created a new structure and two independent committees, the Child Support Committee (Committee) and the Domestic Relations Committee, with simplified purposes, appointments and reporting requirements and provided that the two committees will expire on January 1, 2008. The Court Services Division, Court Programs Unit, AOC, is still responsible for staffing the Committee created by this new legislation. The new statute, A.R.S. §25-323.01, effective August 22, 2002, requires the Committee to prepare an annual report on the work, findings and recommendations regarding child support guidelines, enforcement and related issues to the President of the Senate, Speaker of the House of Representatives, Governor and the Chief Justice of the Arizona Supreme Court each year.

This report reflects the Committee's work, findings and recommendations for the year 2004.

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.

In 1997, the Legislature also 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 re-appointed.

The new law enacted in 2002 that created the Committee did not alter its membership, but eliminated the two-year term limit. Members now serve at the pleasure of the appointing official. Appointments are made by the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court.

CHILD SUPPORT COMMITTEE

2004

Summary

In 2004, as in past years, the importance of the Child Support Committee (Committee) as a recognized forum for cooperative decision making in the area of child support was reaffirmed. Several workgroups that study and suggest recommendations to revise child support laws and rules continued their work throughout 2004. An in-depth strategic planning exercise was undertaken in the preceding year that resulted in the formation of several new workgroups who were assigned specific tasks to study and develop recommendations for improvements to the child support system. The Strategic Planning Workgroup finalized its recommendations in April, 2004, and the Committee approved them thereafter. As a result, three new ad hoc workgroups were formed, including: (1) Child Support Solutions, (2) Funding & Automation and (3) Public Outreach/Customer Service.

Standing workgroup, Statute Review, met throughout the year to develop legislative proposals for the Forty-Seventh Legislature, First Regular Session. Proposals include amendments that narrow the scope of the child support disability statute, request an appropriation to develop a child support arrears calculator, and bring paternity laws into conformance with other sections in Title 25 and with current practice.

Although the Guidelines Workgroup was disbanded upon conclusion of its work in 2003, an interim Economic Study Workgroup began developing its membership and scope of work. The new workgroup will begin meeting in 2005.

Several presentations were made to the Committee throughout the year to inform them of current issues in the child support system. The Division of Child Support Enforcement provided an overview of its new website, eDCSE, which provides customers with child support information and access to case and payment history information for those who request such access. The addition provided a tremendous public service to customers in the IV-D child support program.

Equally significant was a review of the Maricopa Family Court system that was conducted by an independent consulting firm. The review resulted in streamlined case management and case flow, thereby decreasing the time families spend in the court system. The improvements are anticipated to assist the public by giving them more control over their cases and increasing their access to the courts.

Judge Mark Armstrong, Chair of the Arizona Supreme Court's Committee on the Rules of Procedure in Domestic Relations Cases, provided members with an overview of the proposed rules. Many provisions within the rules proposal will affect child support cases. Currently, domestic relations cases operate under the Rules of Civil Procedure but do not always apply to domestic relations cases.

Membership

The session law originally establishing the Child Support Coordinating Council Subcommittee (Laws 1994, Chapter 374, Section 24) prescribed the membership composition of the Council by title or category and directed how each would be appointed. The new law enacted in 2002 that eliminated the Council and created the Child Support Committee did not alter the membership composition.

Only one resignation from the Committee occurred in 2004. Judge Mark Armstrong, Family Court Presiding Judge in Maricopa County, ended his term on that bench and was appointed Presiding Tax Court Judge. Judge Armstrong served actively on the Committee for several years and chaired many workgroups such as the Child Support Guidelines Workgroup and the Statute Review Workgroup.

Senator Jim Waring and Representative Peter Hershberger again led the Committee as co-chairs. Their cooperative spirit and support of the Committee was instrumental in the passage of several key legislative proposals.

Work, Findings and Recommendations

The Committee met four times in 2004. In past years, meetings were held on a more frequent basis, but the focus turned to an aggressive schedule for the workgroups in 2004. Their work product and progress was reviewed at each of the four regular Committee meetings. Significant progress was

realized on important policy issues with the intent of improving the child support system for the citizens of Arizona.

Comment from the public was encouraged to assist the Committee's efforts to continually improve Arizona's child support system.

TASKS AND OBJECTIVES

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

Guidelines Workgroup

The Guidelines Workgroup, chaired by Judge Mark Armstrong, did not meet in 2004, but its recommendations for improvements to Arizona's Child Support Guidelines as directed by A.R.S. § 25-323.01 were approved and adopted by the Arizona Supreme Court in 2004. The new guidelines will go into effect on January 1, 2005.

An interim workgroup will begin studying the underlying economic estimates of the child support guidelines in 2005. Committee co-chairs appointed Judge Monica Stauffer and Kim Gillespie to co-chair the workgroup.

Strategic Planning Workgroup

In 2003, the Strategic Planning Workgroup, led by Chairman Chuck Shipley, developed a comprehensive strategic plan that was presented to and adopted by the Committee in 2004. The workgroup, having completed its task, was disbanded and three new workgroups, Child Support Solutions, Funding & Automation, and Public Outreach/Customer Service, were formed to carry out the initiatives adopted by the Committee. The initiatives focus on improving the child support system for families involved in the child support system, regardless of whether they are designated as a IV-D or a non-IV-D case.

Child Support Solutions Workgroup

Co-chaired by Michael Jeanes and Leona Hodges, the new workgroup examined and analyzed current processes in the child support system from the beginning to the end of a case in an effort to identify gaps and deficiencies in the system. Child support cases progress through several entities during their life and this group's mission is to make recommendations to the Committee for making the transition between those entities as seamless as possible in order to provide families with excellent customer service.

Funding & Automation Workgroup

Kim Gillespie was appointed by Committee co-chairs to chair this new workgroup. The group was tasked with making recommendations to the Committee in two areas: (1) opportunities to increase funding for the Division of Child Support Enforcement, and (2) the possibility of moving part of the statewide child support automation system from a mainframe to a web-based system. Before the workgroup held its first meeting, the Division of Child Support Enforcement introduced a new website designed to enhance customer service. The new service allows child support customers access to their case and payment history information in addition to applicable forms, pamphlets, FAQs and other useful information.

In light of this significant advancement, the workgroup turned its attention to studying development of a web-based arrears calculator. In Arizona, arrears calculations are performed by hand and are subject to error, highlighting the need for a consistent tool to be made available statewide. The workgroup researched various methods that could be used to build and fund the calculator. A legislative proposal to be introduced in the 2005 legislative session will be sponsored by Representative Hershberger requesting an appropriation to fund the project.

The group will forge ahead in 2005 with this important project that is designed to make the process more cost and time efficient for parents, the courts, lawyers and the state child support agency.

Public Outreach/Customer Service Workgroup

Chuck Shipley was appointed by Committee co-chairs to chair the Public Outreach/Customer Service Workgroup. The group was tasked with making recommendations for methods to inform the public about the state child support program and other assistance provided by the courts and other public and private agencies and to help families who are already involved in the system to navigate the system more easily.

The group met several times to assemble an informational brochure containing statewide child support information and to look for avenues to publicize that information.

Meetings will continue throughout the first half of 2005 at which time recommendations will be presented to the Committee.

Statute Review Workgroup

The Statute Review 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.

Chaired by Kim Gillespie, the group took a break during the 2004 legislative session and began meeting in the summer to develop proposals for the 2005 session. The Committee approved and adopted two proposals that were forwarded to the Legislature for the 2005 session.

Please see the following section below titled “Recommendations for Legislative Action” for additional details about legislation proposed for 2005.

Recommendations for Legislative Action

The product of the Statute Review Workgroup and Funding & Automation Workgroup resulted in three legislative proposals being recommended for passage during the First Regular Session of the Forty-Seventh Legislature in 2005. Representative Peter Hershberger will sponsor the proposals.

Included in the 2005 legislative proposal are provisions that:

- Narrow the scope of an existing law that allows child support to continue past the age of majority in cases where a child is

disabled. The proposal would permit the court to order child support past the age of majority for a disabled child only when the child is unable to live independently and be self supporting. The proposal further clarifies that the disability must have occurred prior to the date of the petition or final decree.

- Update terminology in paternity statutes, eliminate the option for an oral answer to a paternity or maternity petition, allow the court to order temporary child support pending judicial determination of paternity if the respondent admits or does not deny paternity in a written response to the court, allow the court to enter a judgment of paternity or maternity if the respondent does not file a response and allow the court to order either parent to pay the actual costs of pregnancy, birth, genetic testing and related costs.

- Request an appropriation for a child support arrears calculator.

Other Issues before the Committee

Educational programs were presented to the Committee in an effort to apprise members of various child support enforcement-related efforts around the state and country. One such presentation provided an overview of the Arizona Supreme Court's endeavor to develop Rules of Procedure for Domestic Relations Cases. The Rules of Civil Procedure are used in domestic relations cases, including child support, but are not typically a good fit for these types of cases. The Committee provided relevant input to the Supreme Court's committee in relation to the child support sections of the proposed rules.

An informative presentation was made by the Division of Child Support Enforcement to display their new customer service website that allows child support customers to access information about their case, including payment information. The Committee universally applauded the project's success.

The Honorable Norman Davis provided information about a major initiative undertaken by the Superior Court in Maricopa County that is intended to make improvements to the Family Court. An independent consultant analyzed and recommended changes to the system in an attempt to streamline the process and make it less detrimental to families who are already in crisis. The changes focus on early intervention to promote settlement of all or most issues early in the case, thereby reducing the length of time spent in the system and acrimony.

Future Actions

The Committee is committed to the continued exploration and development of procedures and mechanisms to enhance the delivery of child support services to the families and children of Arizona. New and existing workgroups will continue to explore issues currently under discussion, new issues that arise, and endeavor to increase public awareness of child support issues. As chartered, the Committee 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.

***APPENDIX TO
CHILD SUPPORT COMMITTEE
2004 ANNUAL REPORT***

CHILD SUPPORT COMMITTEE

PURPOSE

Pursuant to A.R.S. § 25-323.01, effective August 22, 2002, the Child Support Committee was formed to:

Prepare an annual written report on its work, findings and recommendations regarding child support guidelines, enforcement and related issues to the Governor, President of the Senate, Speaker of the House of Representatives and Chief Justice of the Arizona Supreme Court on or before December 31 of each year and provide a copy of the report to the Secretary of State and the Director of the Arizona State Library, Archives and Public Records.

CHILD SUPPORT COMMITTEE

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 or the Director's designee.
- 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 has knowledge of or experience in child support enforcement and related issues and who is appointed by the Attorney General.
- The Director of the Administrative Office of the Supreme Court.
- Two presiding judges from the Domestic Relations Division of the Superior Court who are appointed by the Chief Justice of the Supreme Court. One judge shall be from an urban county and one judge shall be from a rural county.
- A title IV-D Court Commissioner who is appointed by the Chief Justice of the Supreme Court.
- A Clerk of the Superior Court who is appointed by the Chief Justice of the 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 shall be from an urban county and one county attorney shall be 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. The President of the Senate shall appoint these members.

- 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. The Speaker of the House of Representatives shall appoint these members.
- 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. The President of the Senate shall appoint the members and designate one of the members as co-chairperson.
- Two members of the House of Representatives from different political parties. The Speaker of the House of Representatives shall appoint the members and designate one of the members as co-chairperson.

CHILD SUPPORT COMMITTEE
LIST OF MEMBERS

Co-Chair: Representative Peter Hershberger
Co-Chair: Senator James Waring

Honorable Manuel Alvarez
State Representative

Michelle Krstyen
County Attorney (Rural)

Honorable Norman Davis
Domestic Relations Judge (Urban)

Ezra Loring
Governor's Office

Robert L. Barrasso
State Bar - Family Law Section

Suzanne Miles
Custodial Parent

Honorable Bill Brotherton
State Senator

David Norton
Noncustodial Parent

David K. Byers
Administrative Office of the Courts

Honorable Rhonda L. Repp
IV-D Commissioner

Charles DiGeronimo
Noncustodial Parent

Chuck Shipley
Business Representative

Kim Gillespie
Office of the Attorney General

Russell Smoldon
Joint Custodial Parent

Leona Hodges
Director, IV-D Agency

Honorable Monica Stauffer
Domestic Relations Judge (Rural)

Kym L. Hull
Custodial Parent

Bianca Varelas-Miller
(for John Clayton)
Director, Dept. of Economic Security

Honorable Michael Jeanes
Clerk of the Superior Court (Urban)

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