

**CHILD SUPPORT COMMITTEE**  
**MEETING MINUTES**  
Arizona Courts Building  
1501 W. Washington, Room 345  
Phoenix, Arizona  
September 14, 2007

**PRESENT:**

**Co-Chairs**

- Honorable Peter Hershberger
- Honorable Thayer Verschoor

**Members:**

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

**STAFF:**

Kathy Sekardi  
Lorraine Nevarez

Administrative Office of the Courts  
Administrative Office of the Courts

**CALL MEETING TO ORDER**

Senator Verschoor, Co-Chair, called the meeting to order at 10:13 a.m. Co-Chair Verschoor introduced Senator Rebecca Rios as a new legislative member to the committee. Russell Smolden had some kind words to share about Chuck Shipley, Business Representative on the Child Support Committee who recently past way. The Committee will discuss all materials but no formal action will take place without a quorum.

**APPROVAL OF MINUTES**

The July 6, 2007 minutes were presented for approval; but the committee was unable to vote due to a lack of quorum.

## **CHILD SUPPORT POLICY IN THE DEFICIT REDUCTION ACT OF 2005, AND CHILD SUPPORT PASSTHROUGH**

Ellen Sue Katz, Executive Director of William E. Morris Institute for Justice, introduced and explained the Deficit Reduction Act of 2005 as well as informed the committee members on how Arizona may take advantage of the pass through monies. Under the Deficit Reduction Act of 2005 child support enforcement is a “family-first” program. The Deficit Reduction Act of 2005 states the federal government will waive its share of support to the extent that the state passes through more child support dollars to families with children who currently receive or previously received cash assistance under the Temporary Assistance to Needy Families (TANF) and disregard the support when determining TANF benefits. The waiver is limited to \$100 support passed through per month for one child and \$200 for two children. The federal share will be waived in states with pre-existing pass through policies. In the state of Arizona for every dollar that is collected the federal government receives 67 cents. If the state decides to pass through the money then the federal government will waive their share. The pass through of monies will help families transition off welfare and there is better cooperation with the custodial and non-custodial parent. DCSE made some preliminary estimates that it would cost 2.3 million dollars in state costs per year for a \$100 pass through to the families.

Secondly, Ms. Katz discussed Limitation on Assignment. Currently, families applying for TANF must permanently assign support owed during the assistance period to the state. Beginning October 1, 2009, families will no longer assign rights to pre-assistance support to the state. States will have two options when this new law takes effect (1) to implement this a year early or (2) to conform older assignments to new rules.

Thirdly, Ms. Katz discussed if states collect the federal tax intercepts and send it to the families the federal government will waive their share. This is a way to redirect money that is going to the federal government and instead give it to the citizens of Arizona. Ms. Katz is asking the Committee to support the pass-through and to put it on their legislation agenda.

### **REVISIT A.R.S. § 25-510(G)**

Kim Gillespie gave an update on the amended A.R.S. § 25-510(G). A change was proposed that allows credit against support arrearages shall be made only by written affidavit of direct payment or waiver of support arrears signed by the person entitled to receive the support or by that person and the person ordered to make the support payment. Also, a change was made to clarify that any credits against support arrearages shall be applied as of the dates contained in the affidavit, or date of affidavit if no date is specified.

### **DISCUSS REVISION OF A.R.S. § 25-320(L)**

Kim Gillespie gave an update on the amended A.R.S. § 25-320(L). The proposed change to the statute inserts the language of “applicable state or...whichever is higher” to clarify the presumption that a noncustodial parent is capable of full-time employment at the appropriate adult minimum wage for the purpose of calculating child support.

**DISCUSS REVISION OF A.R.S. § 25-681(D)**

Kim Gillespie gave an update on A.R.S. § 25-681(D). This is the Child Support Arrest Warrant statute that the Child Support Committee created years ago. The language in the current statute, section D, discusses using a fax to receive the judges signature and with new technology (i.e. electronic signature) the Clerks office has proposed that the current language in A.R.S. § 25-681(D) be deleted entirely.

**DISCUSS HB2594**

Kim Gillespie gave an update on HB2594. Last year this Committee worked on this bill to keep past support judgments from increasing by the addition of interest. Past support judgments are entered at the time the first child support order is established. This often happens in paternity cases. The current language needs clarification from the workgroup.

**WORK GROUP REPORTS**

**A. STATUTE REVIEW WORKGROUP**

The statute review workgroup is currently working on A.R.S. 25-807. The workgroup will be looking at whether the mother should participate in paternity testing if a test has not already taken place.

Judge Gilberto Figueroa asked to have the record reflect that he is the Juvenile Presiding Judge in Pinal County and was appointed under the statutorily designated appointment title of “Domestic Relations Presiding Judge – Rural”.

**CALL TO THE PUBLIC**

No public present.

**NEXT MEETING**

October 12, 2007

10:00 a.m. – 2:00 p.m.

State Courts Building, Room 119 A&B

**ADJOURNED**

Senator Verschoor, Co-Chair, adjourned the meeting at 11:15 a.m.