

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE
Meeting Minutes -January 25. 2002

PRESENT:

Karen S. Adam	Rep. Kathi Foster
Sidney Buckman	Sen. Toni Hellon, by Becky Serrine
Sen. Mary Hartley	Jennifer Jordan
Ella Maley	Alma Jennings Haught, by Ray Rivas
Deborah Woods-Schmitt	Janet Scheiderer
Kelly Campbell	Brian Yee
Rep. Karen Johnson	Rep. Mark Anderson
Ellen Seaborne	Sanford Braver, by Bill Fabricius
Nancy Gray Eade	Jay Mount

NOT PRESENT:

Jeff Zimmerman	Frank Costanzo
Terrill Haugen	Gordon Gunnell
Sen. David Petersen	Steve Phinney

GUESTS:

Sen. Darden Hamilton
Rep. Wes Marsh
Dave Norton, Phoenix Police Department
Barbara Guenther, AZ Senate
Rena Selden, Attorney
Annette Burns, Attorney
Stacy Lockery, Governor's office
Virginia Chaffin
Melita Mulligan-Ferry, Conciliation Court in Maricopa County
Ronni Pfeiffer
Scott Leska
Marilyn Kalandek
Kat Cooper, Clerk of Court's office, Superior Court in Maricopa County
Lorraine Jones
Steve Wolfson, AZ State Bar
Shawn Cox
Steve Clark
Barbara Walls
Brandi Brown, ACADV
Glenn Davis, AZ Senate
Kisa Corcoran
Curtis Bruggman

Patrick Murphy
Perrah Yarbrough for Terry Martin, AG's office
Beverly A. Hall
Phil Knox, Family Court Administrator, Superior Court at Maricopa County
Julie Warsaw
Starr Bryan

STAFF:

Karen Kretschman
Susan Pickard
Isabel Gillett

CALL MEETING TO ORDER

The meeting was opened at 10:00 a.m. by Senator Mary Hartley.

ANNOUNCEMENTS

Beverley Boyd, Manager of the AOC Family Law Unit, Court Services Division, Arizona Supreme Court, resigned her position to take a position with the Montana Supreme Court AOC, leaving her DRRSS position as "administrative officer of the supreme court" to be filled. The co-chairs agreed that Janet Scheiderer, Director of Court Services, AOC, should be named to that position. Janet was introduced to the Subcommittee members. She gave a brief summary of her experience and interest in family law matters.

APPROVAL OF MINUTES

A quorum was present. The minutes for the December, 2001 meeting were unanimously approved as written.

STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS

The Custodial Parent position remains open and hopefully the co-chairs will have it filled by the February, 2002 meeting. Two applications have been considered.

PRESENTATION: VIDEOTAPE ON DOMESTIC VIOLENCE

Brandi Brown, from the Arizona Coalition Against Domestic Violence (ACADV) appeared and presented a videotape documentary entitled "Small Justice: Little Justice in Family Law Courts." The documentary focused on the ramifications of sexual abuse claims made during divorce proceedings.

DISCUSSION: BILL REVIEW

Senator Hartley announced that the deadline for introducing bills has passed for the Senate and that the House, as of January 25, 2002, had a few more days available for opening files. She expressed concern that certain legislators had brought the Subcommittee bill drafts for review and input in the fall of 2001 and that the Subcommittee had not devised a structured method by which to impart its findings and recommendations to the bill sponsor. Senator Darden Hamilton did receive some of the Subcommittee's input through Senate staff sitting in on DRRSS workgroup meetings. In addition, certain bill proposals were offered by Subcommittee members and general agreement was reached by the Subcommittee on sponsoring the bill proposals (Ellen Seaborne's proposal to repeal A.R.S. 25-218 re surrogate parenting contracts and revisions to A.R.S. 25-408, 411 and 402 regarding relocation/resumption of previous parenting time schedule) but time ran out during the December meeting. Rep. Johnson agreed to open folders for those two DRRSS proposals by Monday, the 28th.

Sen. Hartley suggested that the Subcommittee formalize a method to make recommendations to the legislature and finalize our positions on bills brought to the Subcommittee. She suggested that the Subcommittee again invite legislators to submit their proposed bill proposals prior to the next regular session and devise a set structure for review of those proposals within the workgroup meetings; the workgroups then would make a recommendation regarding those bills to the Subcommittee as a whole. The Subcommittee would review and discuss and decide what the recommendation is regarding a submitted bill proposal and transmit the recommendation to the bill sponsor in a structured method.

As to bill proposals coming from within the workgroups and Subcommittee rather than legislators, the same process would take place before the end of December and one of the co-chairs would sponsor the approved bill. Jay Mount suggested a seasonal approach in that during the fall, prior to legislative session, the Subcommittee should perhaps devote the entire monthly meeting to bill proposal review and focus the educational materials and speakers for the other parts of the year. Kelly Campbell disagreed, stating that the educational sessions are equally important so members will be educated as to pertinent and current issues. She also urged a place for a dissenting position in the formalized process. Representative Johnson suggested that the Subcommittee also develop recommendations as to just exactly what types of topics come under the purview of the Subcommittee.

Sen. Hartley stressed that any bills to be sponsored, endorsed or opposed by DRRSS should be discussed and decided upon by the end of the year before the legislative session begins. The workgroup chairs also need to be mindful of this schedule and make sure bills are dealt with on a timely basis. Karen Kretschman added that the Child Support Coordinating Council has such a procedure; Sen. Hartley asked that a representative from CSCC come to speak to DRRSS during the February 22, 2002 meeting regarding their defined process so that DRRSS can develop a written procedure. Rep. Foster suggested that DRRSS again, through the co-chairs, invite all legislators to submit family-related bill proposals to the Subcommittee before the next session; an invitation letter will be mailed out at the end of summer, 2002, with a reminder in October, 2002. She also

suggested developing additional guidelines as to just exactly what topics are proper for DRRSS' consideration as opposed to other committees and subcommittees.

Staff was asked to transmit to DRRSS members a legislative schedule of hearings on pertinent family-related bills every week.

SPEAKERS

Senator Darden Hamilton, Arizona Senate, appeared and spoke about his proposed legislation regarding limiting immunity to court appointed personnel. He believes only the judge in a case should have immunity from prosecution or civil liability. The Subcommittee members had many questions and comments; Senator Hamilton stayed throughout the lunch hour, on the record, with the workgroups merging for questions, review and commentary to him on the merits/disadvantages/concerns regarding his proposal.

Annette Burns, Arizona Board Certified Attorney in Family Law, appeared and spoke to the Subcommittee regarding the merits of considering collaborative divorce on a statewide basis as an aspect of domestic relations statutes reform. Texas has already passed legislation endorsing this procedure. She handed out a draft of her proposed bill (not filed) and will have a draft ready for the Subcommittee to review for fall, 2002. Ellen Seaborne suggested putting this topic on the September, 2002 agenda for discussion.

WORKGROUPS

The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch with Senator Darden Hamilton regarding his proposed bill for immunity limitations to court-appointed personnel. The discussion begun earlier continued throughout the lunch hour, on the record pursuant to open meeting requirement and under Dr. Yee's direction; many questions and comments were offered in giving Senator Hamilton input as to the merits/disadvantages of the bill's content.

DISCUSSION: LEGISLATION RELATING TO DRRSS

Barbara Guenther, Arizona Senate staff, presented a synopsis of the content of Senate Bill 1088 (repealing the DRRSS statute; creating a new independent Domestic Relations Committee, expanding DRRSS membership, eliminating the over-arching Committee composed of the four co-chairs, changing the appointment method in order to make it a true legislative Committee) and House Bill 2468 (giving DRRSS integrated family court workgroup until October 2002 to produce a finished draft for a statewide plan for an Integrated Family Court). During discussion, a discrepancy between the two bills (HB 2468 offers a revision to DRRSS; SB 1088 repeals DRRSS and creates the Domestic Relations Committee) was discovered and will be corrected by the co-chairs. Senator Hartley reminded the Subcommittee that any integrated family court plan will need a sponsor; she terms out this session; Rep. Johnson does not. Janet Scheiderer also expressed concerns that the group develop a budget to correspond with the IFC plan. Monthly reports on the

progress of the IFC workgroup will be made to the larger Subcommittee (DRRSS) as the development of the IFC plan progresses. A question was raised about appointments if the bill passes; Barbara Guenther commented that all membership positions would have to be formally “re-appointed” but expected that anyone already serving and appointed would be reappointed.

Insufficient time remained for the strategic planning session for the Integrated Family Court workgroup; Ellen Seaborne reported that a meeting would be held by the IFC workgroup on February 1 at the State Courts Building. Representative Johnson thanked Ellen Seaborne for all of the work she has been doing for the IFC workgroup.

NEW BUSINESS

No new business was presented.

CALL TO THE PUBLIC

Melita Mulligan-Ferry, with Conciliation Services, Superior Court in Maricopa County, appeared to request support and sponsorship for a bill proposal (technical amendment to the fees statute) for charging a filing fee for mediation in paternity and non-IV-D cases due to the large number of paternity cases which come through their offices. Current filing fees do not cover paternity cases for mediation services. Melita brought a bill proposal for consideration.

Ronni Pfeiffer reported on her difficulties with purported lack of independence on the part of the court-appointed evaluator in her five-year custody case. She was unable to read the evaluator’s report prior to submission and believes the evaluation did not consider all pertinent evidence.

Beverly Hall appeared to speak about the immunity issue for court evaluators; she recommended leaving the statute as it is.

Rena Selden, a family attorney practicing in Phoenix, appeared and offered suggestions for a procedure with court evaluators which would require a draft report be submitted to both parties for comment and rebuttal before being submitted to the court by the evaluator. She opposed elimination of the exemption from liability for evaluators and suggested that the evaluation studies take too long; evaluators should be given time limits in which to complete a report. She also suggested that if the evaluator cannot do a timely report, he or she should not be given the assignment. Any report should go to both parties first before the court so the evaluator can learn whether a scam has been in operation. Reports submitted ten days prior to trial are too late; deadlines should be set for an earlier date prior to trial.

Star Bryan, with Legal Eagles, appeared to comment on her difficulties in being assaulted and attacked by the parties as she performed her role as a court appointed supervised parenting time facilitator in a custody case. She believes that immunity should extend to persons filling such a role.

Julie Warsaw appeared and recounted her experiences and problems with court-appointed mental

health evaluators during a protracted two-year custody dispute which involved sexual abuse claims. She is in favor of limiting immunity to evaluators.

Curtis Bruggman described his dislike of parenting time schedules and advocated for equal access to both parents; he also would like to abolish any immunity to court appointed evaluators.

FUTURE MEETINGS

The February, 2002 meeting will be held on the 22nd (a Friday) in the State Courts Building, Rooms 345A/B; the March, 2002 meeting is scheduled for March 29, 2002, also a Friday, in Rooms 119A/B, State Courts Building. April 26, 2002, another Friday, is the April meeting date, in Room 230; the May 24, 2002 meeting will be held in Rooms 119A/B.

ADJOURNMENT

The meeting was adjourned at 2:10 p.m.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE
Meeting Minutes -February 22, 2002

PRESENT:

Sidney Buckman, by Diane Hegyi
Frank Costanzo
Ella Maley
Sen. David Petersen
Kelly Campbell, by Brandi Brown
Nancy Gray Eade

Jeff Zimmerman
Jennifer Jordan
Terrill Haugen
Rene Bartos
Brian Yee
Rep. Mark Anderson
Sanford Braver, by Bill Fabricius

NOT PRESENT:

Gordon Gunnell
Debbora Woods-Schmitt
Sen. Mary Hartley
Sen. Toni Hellon
Jay Mount
Janet Scheiderer

Steve Phinney
Rep. Karen Johnson
Karen Adam
Rep. Kathi Foster
Ray Rivas
Ellen Seaborne

GUESTS:

Dave Norton, Phoenix Police Department
Barbara Guenther, AZ Senate
Stacy Lockery, Governor's Office
Anna Arnold, DES/DCYF
Steve Wolfson, AZ State Bar
Glenn Davis, AZ Senate
Mark Armstrong
Marianne Hardy, AZ House
Joseph Doyle
Craig Schafer

STAFF:

Karen Kretschman
Isabel Gillett

CALL MEETING TO ORDER

The meeting was opened at 10:15 a.m. by Representative Mark Anderson.

ANNOUNCEMENTS

Rep. Karen Johnson was unable to chair the meeting because of illness. The topic of CPS Training and jury trials for CPS cases was cancelled as a result. Designees then introduced themselves to the group.

APPROVAL OF MINUTES

A quorum was present for minutes approval. The minutes for the January, 2002 meeting were unanimously approved as written.

STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS

The Custodial Parent position has been filled; Dr. Rene Bartos, the appointee, attended the February meeting. She was introduced and gave a brief presentation about her interest in the Subcommittee and her background.

PRESENTATION

Marianne Hardy, AZ House of Representatives staff, gave a presentation on the various domestic relations-related House bills being considered by the legislature. She reported on House bills 2236 (city marriage licenses; fees), 2301 (domestic partnerships; equity), 2309 (domestic partner registrations), 2330 (marriage; dissolution; annulment), 2331 (credit cards; community debts; exception), 2353 (child support venue change; fee payments; time), 2468 (DRRSS' integrated family court plan), 2472 (domestic violence; jury trials), 2533 (temporary orders; family court advisors), 2534 (welfare; married applicants; preferential treatment), 2636 (child custody; relocation and parenting plans), 2687 (filing fees; maternity; paternity; proceedings) and 2169 (presumption of joint custody-strike everything amendment).

PRESENTATION

Barbara Guenther, AZ Senate staff, gave a presentation on the various domestic relations-related Senate bills being considered by the legislature. She reported on Senate bills 1021 (child custody; military deployment); 1023 (spousal maintenance enforcement); 1082 (spousal maintenance; health insurance); 1088 (child support; domestic relations; committees) (this is our DRRSS membership bill); 1130 (military deployment; child custody); 1319 (court ordered spousal support); 1388 (child visitation, violation; citation); 1433 (parental alienation syndrome; custody; prohibition); and 1435 (court appointed evaluators; limited immunity).

Barbara Guenther addressed questions about DRRSS' appointments if S 1088 is passed. Rep. Anderson asked whether the Subcommittee would be limited to writing an annual report with its recommendations; Barbara Guenther replied that the group will have the broad charge of coming up with recommendations at all times rather than just in the annual report.

Hon. Mark Armstrong answered questions regarding H 1433, the parental alienation syndrome bill.

Sgt. Dave Norton, Phoenix Police Department, commented that there is a problem for law enforcement with S 1388 in determining whether the document presented regarding a purported parenting time violation is, in fact, a final and the LAST order in the case of not. Another problem involves which court is to receive the citation, given the city and state boundary lines. Will officers have to carry multiple citation forms? Superior Court in Maricopa County has no citation forms for this suggested process and delayed minute entries will also be a problem in determining a “last” order in a case.

Frank Costanzo requested a copy of the 5-page report done by the legislative intern in connection with S 1433 (parental alienation syndrome) (this was provided during the lunch hour by Senate staff).

Dr. Yee pointed out that S 1435 covers more types of personnel than just court appointed custody evaluators.

Jennifer Jordan moved that the Subcommittee vote as a body against S 1435; Rep. Anderson replied that a formal vote was not requested for the February agenda on this bill topic and at the specific moment of the motion, a quorum was not present. However, the process of how the Subcommittee gets to a voting place is on the agenda and will be discussed after the lunch hour.

Jeff Zimmerman requested copies of any discussed bills before the Subcommittee votes. These bills will be included in the March packet.

PRESENTATION

Megan Hunter appeared to describe the time line, form and procedures used by the Child Support Coordinating Council in generating, perfecting and voting on suggested statutory or rule changes concerning child support in Arizona. She focused on the methods used by the Statute Cleanup workgroup within the Child Support Coordinating Council for bill generation from that workgroup.

Karen Kretschman prepared a possible modified form and time line for consideration with statute or rule generation/change by the Subcommittee workgroups during the working lunch hour.

WORKGROUPS

Senator Petersen assumed the chair position after the lunch hour.

The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch hour. They all considered the proposed form and time line for bill generation/change/review and offered the following comments in discussion when the meeting resumed, as follows:

Court Procedures Workgroup:

Dr. Yee reported that the Court Procedures Workgroup is in favor of using the form and time line. They had the following questions in connection with additional procedures:

1. How does the Subcommittee get legislators to submit their ideas to us?
2. How does the Subcommittee solicit the bills or “find” the bills being introduced to the legislature for review and comment from DRRSS?
3. How does the Subcommittee deal with domestic relations related bills NOT brought to the Subcommittee by legislators?

Senator Petersen commented that legislators like feedback and suggested a letter from the Subcommittee/workgroups inviting their participation. He was supportive of starting the entire process in January or February. He urged the Subcommittee members to be more active in telling the legislature what changes should be made.

Dr. Yee also questioned why legislators who are members of the Subcommittee don’t submit their bills to DRRSS for review and comment prior to their introduction to the legislative process. Senator Petersen answered that submission “should be the goal.”

Substantive Law Workgroup:

Jeff Zimmerman reported that the Substantive Law Workgroup is also in favor of using the form and the time line. Jeff Zimmerman noted that early in the legislative session, the Subcommittee has little participation from the legislators. Later in the year, after session adjourns, we have more participation from them. The idea of DRRSS self-generating ideas for statutory and rule changes or initiatives is a good one; his group also supports legislators bringing to DRRSS their bills or bill ideas for review/input. Ideas come up at all times and self-generating ideas from DRRSS members for change should not be limited to the January-April period of the year. He noted that individual workgroup meetings might be needed over and above the meetings held concurrently with the larger DRRSS meetings to meet the time table. An alternative to separate workgroup meetings could be longer workgroup meetings during and after the lunch hour in the DRRSS meetings. His workgroup also questions how DRRSS can officially comment on pending legislation which has not been brought before the Subcommittee and urged exploration of this topic.

Senator Petersen commented that new legislators will be coming on board due to terms ending for several (i.e. 10 senators). He suggested holding a legislative forum for new legislators and finding better ways to connect to the Senate Family Services Committee chair.

Education/Prevention:

Terrill Haugen reported that the Education/Prevention Workgroup is also interested in tracking legislation in which the members have an interest but which has not been submitted officially to DRRSS for review/comment. He suggested that specific bills be assigned to the workgroups for

review and vote; a bill could be assigned to 2 or 3 members of a workgroup for review and commentary; these members also could appear at legislative committee hearings to offer input and testimony. Barbara Guenther commented on the new system available now where one can view the committee agendas on the internet; then vote on the bill pro or con without having to appear in person.

Terrill Haugen also added that if the Subcommittee takes a vote on whether to support a particular bill or bill suggestion, a pro and con report should be generated by the workgroups.

The March agenda shall include a review period and vote by the Subcommittee on the bills presented by legislative staff and more specifically, the immunity bill, the DRRSS bills, the bill dealing with the parental alienation syndrome issue; the citation process for violations of parenting time schedules and the presumption for joint custody. Senator Petersen commented that there still should be time for the Subcommittee to issue comments regarding these bills for this session. Senator Petersen suggested that in voting on bills, the workgroups should prepare a written report on both pro and con positions. Barbara Guenther added that the time available might be slim but staff will monitor the status prior to the next meeting in March.

NEW BUSINESS

No new business was presented.

CALL TO THE PUBLIC

Craig Schafer described his travails with a mentally unstable ex-wife and the numerous court proceedings he has suffered because there is no way to stop her from constantly taking him back to court.

Joseph Doyle objected to the lack of automatic enforcement of custody orders and automatic penalties for violations for custody violations. He commented on the money being poured into domestic violence issues and objects to the lack of money dedicated to custody, access and enforcement issues.

FUTURE MEETINGS

The March, 2002 meeting will be held on the 22nd (a Friday) in the State Courts Building, Rooms 345A/B; April 26, 2002, another Friday, is the April meeting date, in Room 119A/B; the May 24, 2002 meeting will be held in Rooms 119A/B.

ADJOURNMENT

The meeting was adjourned at 2:00 p.m. by Senator Petersen.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE
Meeting Minutes -March 22, 2002

PRESENT:

Sidney Buckman
Frank Costanzo
Ella Maley
Sen. David Petersen
Kelly Campbell, by Janiella Yalor
Rep. Karen Johnson
Ellen Seaborne, by telephone
Hon. Karen Adam, by Hon. Jan Kearney
Jay Mount
Alma Jennings Haight, by Ray Rivas

Jeff Zimmerman
Jennifer Jordan
Terrill Haugen
Rene Bartos, by Bonnie Rock
Brian Yee
Sen. Mary Hartley
Sanford Braver, by Bill Fabricius
Gordon Gunnell
Steve Phinney
Janet Scheiderer

NOT PRESENT:

Debbora Woods-Schmitt
Sen. Toni Hellon
Rep. Mark Anderson

Nancy Gray Eade
Rep. Kathi Foster

GUESTS:

Dave Norton, Phoenix Police Department
Barbara Guenther, AZ Senate
Mark Armstrong
Scott Leska
Therese L. Martin
Kate Otting, AG's office
Casimir Jarski
Elizabeth Baskett

STAFF:

Karen Kretschman
Isabel Gillett
Susan Pickard

CALL MEETING TO ORDER

The meeting was opened at 10:15 a.m. by Senator Mary Hartley.

ANNOUNCEMENTS

Senator Hartley welcomed everyone and reminded public attendees to fill out orange speaker sheets if interested in the Call to the Public. Member designees for this meeting then introduced themselves to the group.

APPROVAL OF MINUTES

A quorum was present for minutes approval. The minutes for the February, 2002 meeting were unanimously approved as written.

STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS

All membership positions are currently filled and Senator Hartley commended members on their excellent record in 2001 and 2002 for having quorums present for doing business.

OPEN MEETING LAWS

Senator Hartley gave a presentation on Arizona's open meeting laws. She defined Domestic Relations Reform Study Subcommittee (DRRSS) meetings as "open meetings" (those conducted in the presence of the public rather than run by the public or deemed public hearings) and explained the open meeting laws as they pertain to Subcommittee meetings. She also described the requirements regarding strictly following the agenda and prohibition against discussing topics not on the meeting's agenda. Desired topics should be brought to the chair's attention for future meetings. Sen. Hartley also handed out two documents on the Arizona Open Meeting requirements for before, during and after meetings and describing the exact statutory requirements and sanctions for non-compliance.

HOW TO ACCESS THE LEGISLATURE

Barbara Guenther, Arizona Senate staff, gave a presentation on how a bill becomes law in Arizona, how the DRRSS fits into the process, how to access the Arizona legislature, how to do bill tracking on ALIS and how to individually register support for or opposition to a bill. She and her assistant, Elizabeth Baskett, prepared handouts entitled "How a Bill Becomes a Law" and "A Public Guide to Accessing the Arizona State Legislature. Barbara also explained "strike-everything bills," bill amendments, bill readings, standing committees, committee chair appointments and resulting effect on bills being heard, Committee of the Whole (COW), conference committees and vehicle bills. She added that the Subcommittee doesn't have to

actually draft the language for a bill; legislative council and staff will draft the bills originating in the Subcommittee.

Senator Hartley read DRRSS' current charge contained in A.R.S. 25-320.01 and the proposed charge contained in S 1088. She commented that a formal report at year-end, along with a summary of proposed legislative changes, works well in other committees. She mentioned that a December 31, 2002 date might be a better deadline for the IFC project in HB 2468. Each co-chair then gave a summary of how they handle e-mails coming to their office regarding legislation. Senator Hartley also urged caution in presenting bills as DRRSS bills if a bill hasn't actually been submitted to DRRSS and voted on as such vs. bills generated by ideas received from calls to the public testimony.

WORKGROUPS

Integrated Family Court Workgroup

Ellen Seaborne reported on the status of the Integrated Family Court Workgroup by telephone. She pointed out that the workgroup is making progress in that it has drafted a mission statement, a definition of "family" and is working on the jurisdictional aspects (what kinds of cases are to be heard in family court) currently. She added that the opposition previously evidenced from Pima County is not indicative of the feelings of the majority of the Family Law Bar in Pima County. House bill 2468 was heard in the House Human Services Committee on March 20, 2002 and received a "do pass" recommendation. Representative Hershberger and other committee members expressed some concern, however, that an October 1, 2002 deadline for DRRSS completing a family court plan for Arizona might be too short a time in which to complete the task and suggested that a longer period of work should be considered, i.e. December 31, 2002. This matter hopefully will be resolved when S 1088, the other DRRSS-related bill, reaches the House for consideration.

Working Lunch

The members of the Substantive Law Workgroup, the Education/Prevention Workgroup and the Court Procedures Workgroup met during the working lunch hour. The workgroups considered the following issues during the working lunch:

- 1) Reviewed and discussed the revised time line for reviewing/generating legislative proposals
- 2) Reviewed and discussed the revised form for submitting legislative proposals/ideas to the Subcommittee/workgroups for consideration

- 3) Considered how proposals are to be brought to Subcommittee meetings insofar as what do members believe should be changed.
- 4) Considered ways to encourage legislators to submit their bill proposals to DRRSS for review and input prior to opening folders and dropping the bills
- 5) Considered how to comment on pending domestic relations-related legislation each session, when to vote on recommendations and how to issue reports
- 6) Considered public relations techniques in the forms of letters, invitations to legislators to submit idea/bills relating to domestic relations issues

The Workgroups also studied the following currently pending bills during the working lunch session.

General Meeting Reconvened

Upon resumption of the general meeting, the bills were voted on by a quorum of 19 members out of 25 present as to whether to register support or not for the bills with the legislature. The results are as follows:

HB 2330 bifurcated dissolution of marriage: 4 in support, 12 not in support, 1 abstain

HB 2331 credit cards; dissolution; liability: 14 in support, 2 not in support, 1 abstain

HB 2468 DRRSS IFC workgroup deadline: DRRSS supports

HB 2169 joint custody presumption: 11 in support, 7 not in support, 1 abstain due to objection to clause D.2 in bill (would support if clause deleted)

SB 1088 DRRSS reorganization into Domestic Relations Committee; IFC deadline; new positions: DRRSS supports

SB 1388 child custody and visitation violations; referrals to mediation: 7 in support, 9 not in support, 1 abstain

SB 1433 parental alienation syndrome: 7 in support, 10 not in support, 1 abstain

SB 1435 court personnel; immunity; exceptions: 8 in support, 11 not in support.

Therefore, DRRSS supports HB 2331, HB 2468, HB 2169 and S 1088; the Subcommittee does not support HB 2330, SB 1388, SB 1433 and SB 1435 (versions existing as of 3-22-02).

After the votes on the bills, Senator Hartley called for workgroup reports, as follows:

Court Procedures Workgroup:

Dr. Yee reported that the Court Procedures Workgroup is in favor of using the proposed form and time line. They also proposed that the form be further modified so that it also applies to proposals for rules and other procedural changes and/or comments rather than referring to statutes only. They clarified that DRRSS members should be able to submit proposals regarding statutes, rules or other domestic relations-related procedures all year long. They also suggested that each time a proposal is offered, it be put on the monthly agenda for review and description and then assigned to a workgroup for consideration/analysis and recommendations back to the larger group and then transmitting those recommendations to the legislature. They also recommended contacting all legislative members for submitting their proposed bill ideas, with emphasis on the concept that it would be beneficial to receive DRRSS' support; if DRRSS doesn't support an idea, the legislators would have a heads up on what likely obstacles would be encountered.

Substantive Law Workgroup:

Jeff Zimmerman reported that the Substantive Law Workgroup is also in favor of using the form and the time line. The workgroup was also concerned about their ability to generate ideas year-round. The workgroup suggested a letter from the Subcommittee's co-chairs in November or December, reiterating the invitation to submit bills to DRRSS for the Subcommittee's input. They also suggested a "field trip" of some type so that Subcommittee members become more familiar with the actual legislative process.

Education/Prevention:

Terrill Haugen seconded all of the above recommendations and further reported that the Education/Prevention Workgroup is concerned with how DRRSS' recommendations will be made known to the legislature after discussion and a vote on the bills. Discussion led to the suggestion of sending a copy of DRRSS' minutes, or a "summary of recommendations" sheet to each legislator outlining the bills considered, showing how many DRRSS members were present, the vote count for and against each bill considered and the date of the vote. Senator Petersen urged sensitivity in how the vote count is presented and questioned how amendments to bills would be handled. He also asked whether members could vote electronically and the consensus was "yes."

Staff was requested to put any amendments to bills voted on previously in the monthly packets so the Subcommittee can update its positions. The workgroup also suggested that formal letters be prepared to the legislators who do submit bills and bill ideas to DRRSS for review and input, giving them an official report reflecting the vote and any issues of concern addressed during the workgroup reviews. Any exceptions or explanations of a vote by a member would be placed in the "summary of recommendations" on the request

of the member raising the issue. A printed statement from the person excepting would be helpful to staff for drafting purposes.

Senator Hartley also cautioned against using a DRRSS reference or implying DRRSS support for a bill which has not officially been submitted to DRRSS for review and input. The workgroup also recommended that if the legislators cannot come personally to DRRSS meetings to describe and discuss their bills, it was recommended that they send the Subcommittee something in writing to consider. Invitations should be sent out in August or September and also early in the session after legislators have dropped their bills; the invitation will be from the chair persons and will include the current charge to DRRSS in statute.

MOTION: Sidney Buckman

To use the form and time line with expanded role for proposed rule and procedural changes and comments; sending a summary statement of recommendations to the legislature after votes on proposed bills; inviting legislature to submit bills/ideas in August/September with follow-up in December/January when session opens.

Second: Ella Maley.

Vote: Unanimously passed.

NEW BUSINESS

No new business was presented.

CALL TO THE PUBLIC

No public attendees appeared.

FUTURE MEETINGS

The next meeting of DRRSS will be held Friday, April 26, 2002, in the State Courts Building, Rooms 119A/B with Representative Johnson as chair.

The May 24, 2002 meeting will be held in Rooms 119A/B, State Courts Building.

ADJOURNMENT

The meeting was adjourned at 2:00 p.m. by Senator Hartley.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE
Meeting Minutes -April 26, 2002

PRESENT:

Sidney Buckman
Frank Costanzo
Ella Maley
Sen. David Petersen
Kelly Campbell, by Brandi Brown
Rep. Karen Johnson
Ellen Seaborne
Hon. Karen Adam
Jay Mount

Jeff Zimmerman
Jennifer Jordan, by telephone
Terrill Haugen
Rene Bartos
Brian Yee
Nancy Gray Eade
Sanford Braver, by Bill Fabricius
Gordon Gunnell
Steve Phinney, by Rob Sundholm
Janet Scheiderer

NOT PRESENT:

Debbora Woods-Schmitt
Sen. Toni Hellon
Rep. Mark Anderson

Sen. Mary Hartley
Rep. Kathi Foster
Ray Rivas (Alma Jennings Haught)

GUESTS:

Dave Norton, Phoenix Police Department
Mark Armstrong
Sydney Gleba
Marianne Hardy, AZ House

STAFF:

Karen Kretschman
Isabel Gillett
Susan Pickard

CALL MEETING TO ORDER

The meeting was opened at 10:15 a.m. by Representative Karen Johnson.

ANNOUNCEMENTS

Rep. Johnson welcomed everyone and reminded public attendees to fill out orange speaker sheets if interested in the Call to the Public. Member designees for this meeting then introduced themselves to the group.

APPROVAL OF MINUTES

A quorum was present for minutes approval. The minutes for the March, 2002 meeting were unanimously approved as written.

STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS

Rep. Johnson announced the resignation of Sen. Toni Hellon. A replacement has not yet been designated by the President of the Senate.

PRESENTATION

Dr. Bill Fabricius, member designee for Dr. Sanford Braver, gave a presentation on the effect of living arrangements after divorce from a young adults' perspective. His research examined the outcomes of divorce from the perspective of young adults who grew up with their parents' divorces, both as to parenting time and parent-child relations. Dr. Fabricius challenges the Wallerstein and Lewis study which has had a major impact on policy in connection with post-divorce living arrangements for children.

IFC WORKGROUP

Ellen Seaborne reported on the status of the Integrated Family Court workgroup. She pointed out that the workgroup is making progress in that it has drafted a mission statement, a definition of "family," is working on the jurisdictional aspects (what kinds of cases are to be heard in family court) and has drafted a proposed framework. She also is concerned about funding for the project and the need for a legislative sponsor.

LEGISLATION

Karen Kretschman reported that only one bill out of the several voted on during the March meeting has received any additional attention since the last meeting. HB 2169 (presumption for joint custody) was re-introduced as a strike-everything bill (H 2259) by Representative Johnson but was defeated 23 (for) - 32 (against) in the House. In addition, S 1088 has made it through both the Senate and House; it is on its way back to Sen. Hartley with the amendments made in the House (added 2 legislators back in, added the second judge/commissioner position and changed IFC deadline date to December 31, 2002).

The policy that was adopted last month to utilize a procedure for submitting statute, rule or procedural changes included a time line. According to the time line, ideas for changes are to be submitted at this meeting.

WORKGROUPS

Representative Johnson was unable to rejoin the Subcommittee after lunch; Senator Petersen was her designee for chairing the remainder of the meeting.

The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch hour. The workgroups considered proposals for study and review for the next legislative session as follows:

Substantive Law Workgroup:

Jeff Zimmerman reported that the workgroup has not finished its list of projected study tasks but will be working on the following topics:

- 1) Re-visit the child custody reform statute.
- 2) Relocation statute - regarding re-establishing the prior order when a parent returns to Arizona.
- 3) Cleanup to A.R.S. 25-408 regarding notice of intended relocation: does the certified letter go first or does one start the action first, or both at the same time?
- 4) Study of relocation statistics - what percentage of petitions to relocate are successful?
- 5) How do Orders of Protection relate to custody decisions; how does losing at the hearing after an Order of Protection is served impact custody decisions?
- 6) False allegations of domestic violence; how to deal with this problem and what are the incentives in the system to make such an allegation falsely?

7) Cleanup work regarding child custody; possible need for statistics.

Court Procedures Workgroup:

Dr. Brian Yee reported that many of this workgroup's topics have been subsumed by the Integrated Family Court workgroup. He reported that the Court Procedures workgroup would continue to focus on the IFC's mission as well as many of the topics mentioned by Jeff Zimmerman for domestic relations and domestic violence reform.

Education/Prevention:

Terrill Haugen reported that the workgroup had a good discussion about issues flowing from Dr. Fabricius' presentation. They suggested consideration of ways to incorporate Bill's findings and presentation into the judges' orientation training, the annual domestic relations bench training conference and into the training program for family evaluators. The group is still working on character development and communication skills; they want to make them a part of a state program somehow, focusing on high school students. They also are exploring ways to incorporate into the parent education classes: 1) a segment for children, and 2) the contents of Bill's research. They are also interested in the dissemination of information designed to prevent marital dissolution in the first place and enhancement of the "authentic learning" concept.

NEW BUSINESS

No new business was presented.

CALL TO THE PUBLIC

Sydney Gleba appeared and discussed her situation with an abrupt change of custody and removal of her child to another state.

FUTURE MEETINGS

The May, 2002 meeting will be held on the 24th (a Friday) in the State Courts Building, Rooms 119A/B with Senator Hartley as chair; Commissioner Adam and Judge Armstrong will provide a training for subcommittee members on A.R.S. Chapter 25.

The June 21, 2002 meeting will be held in Rooms 119A/B, State Courts Building.

ADJOURNMENT

The meeting was adjourned at 1:20 p.m. by Senator Petersen.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE
Meeting Minutes -May 24, 2002

PRESENT:

Sen. Mary Hartley
Frank Costanzo
Ella Maley
Rene Bartos
Kelly Campbell, by Daniella Yahez
Nancy Gray Eade
Hon. Karen Adam

Jeff Zimmerman
Janet Scheiderer
Sen. David Petersen
Brian Yee
Sanford Braver, by Bill Fabricius
Jennifer Jordan, by Hon. Mark Armstrong

NOT PRESENT:

Debbora Woods-Schmitt
Sen. Toni Hellon
Rep. Mark Anderson
Rep. Karen Johnson
Gordon Gunnell
Steve Phinney

Sidney Buckman
Rep. Kathi Foster
Ray Rivas (Alma Jennings Haught)
Terrill J. Haugen
Jay Mount
Ellen Seaborne

GUESTS:

Dave Norton, Phoenix Police Department
Faeve Foley, AZ House
Steve Clark, Attorney
Steve Wolfson, State Bar, Family Law Section
Don Saewert
Sylvia Bortelier
Barbara Guenther, AZ Senate

STAFF:

Karen Kretschman
Isabel Gillett
Megan Hunter

CALL MEETING TO ORDER

The meeting was called to order at 10:10 a.m. by Senator Hartley.

ANNOUNCEMENTS

Sen. Hartley welcomed everyone and reminded public attendees to fill out orange speaker sheets if interested in the Call to the Public. Member designees for this meeting then introduced themselves to the group. Megan Hunter was introduced to the group; she will be handling the June, 2002 and possibly other meetings/committee related tasks in the future.

APPROVAL OF MINUTES

A quorum was present for minutes approval. The minutes for the April, 2002 meeting were unanimously approved as written.

STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS

Sen. Hartley discussed the resignation of Sen. Toni Hellon. A replacement has not been designated by the President of the Senate and one may not be made due to coming vacancies on the Senate Family Services Committee. Fourteen senators will not be returning to the Senate due to retirements, others being termed out and health problems of others.

Sen. Hartley also discussed S 1088 which repeals the Domestic Relations Reform Study Subcommittee as of August 22, 2002 and creates the Domestic Relations Committee. The legislature does not intend existing members having to re-apply for their positions and asks all appointing bodies, under this statute when passed, to merely re-appoint those members who are currently on the Subcommittee. President Gnant wishes all re-appointments to be completed prior to August 22, 2002 so there is no disruption in the operation of the Committee.

Four new positions were created by this bill: Rural judge/commissioner, child advocate, State Bar Family Law section member and law enforcement representative. Applicants for these positions need to submit a resume and letter of interest/commitment to serve so that the application process may begin.

Sen. Hartley also gave an outline of the content of the 5 bills she appended to S 1088 during Free Conference Committee. S 1088 has been approved by both houses and is waiting for the Governor's signature at this time.

PRESENTATION

Commissioner Karen Adam, Judge/ Commissioner representative on the Subcommittee, gave an in-depth presentation of the content of Chapter 25, Arizona Revised Statutes, which essentially contains Arizona's domestic relations statutes. Three areas of technical difficulty were noted by Senate staff and will be noted on future month's project forms for consideration. The presentation was designed to educate members on the statutes they are charged with reviewing and revising.

IFC WORKGROUP

Karen Kretschman reported on the status of the Integrated Family Court workgroup. S 1088 charges the Domestic Relations Committee with preparing an annual written report regarding recommended changes to the domestic relations statutes, rules and procedures and other related issues designed to lead to a reform of the state's domestic relations statutes as well as preparing a statewide plan for an integrated family court with comprehensive subject matter jurisdiction over all matters involving the family and submit this plan to the governor, the president of the senate, the speaker of the house of representatives and the chief justice of the Supreme Court on or before December 31, 2002.

The workgroup (soon to be a Subcommittee under the new legislation in S 1088) has completed a Mission Statement, definition of the term "family," list of elements of the Arizona Integrated Family Court, the list of types of cases to be considered for inclusion in the Integrated Family Court, and a proposed jurisdiction statement. Work currently in progress focuses on the topics of services, resources, information systems, confidentiality and minimum standards for the Integrated Family Court. Future topics will be standards and procedures, which include judicial and staff assignments, education and training, facilities and financial costs and requirements. Frank Costanzo asked that copies of the completed materials from the IFC workgroup be included in next month's June, 2002 DRRSS packet.

WORKGROUPS

The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch hour. Senator Hartley assigned the Court Procedures workgroup three topics brought up during the April meeting by the Substantive Law workgroup. The workgroups considered proposals for study and review for the next legislative session as follows:

Substantive Law Workgroup:

Jeff Zimmerman reported that the workgroup worked on the following issues and fleshed out their agenda somewhat:

1. Re-visit the child custody reform statute regarding who can file; the group wants to look at the possibility of joint petitions for divorce, with no petitioner nor respondent, to promote more amicable settlements and ease of process. Jeff asked staff to research the statutes from Alaska and Nevada on this procedure.
2. Look into the question of the qualifications of custody evaluators and setting standards for their reports. No standard exists for the report or outlines for the work to be performed.
3. Staff was requested to run updated copies of various Tennessee statutes regarding primary residential parent designation and Aresidential@ schedules. They also indicated that Tennessee's statutes are clearer on when a rebuttable presumption does not apply.
4. Need for better statistics in divorce cases; more data needed.

Court Procedures Workgroup:

Dr. Brian Yee reported the following discussion on topics assigned by Sen. Hartley:

1. Cleanup to A.R.S. 25-408 regarding notice of intended relocation: does the certified letter go first or does one start the action first, or both at the same time? The workgroup reviewed the statute and reported that it appeared clear that this could be handled one at a time or simultaneously. The basic question in a recent Coconino County court case was does filing the court action by the person desiring to move constitute the notice if a certified letter wasn't sent? The judge ruled that it does not constitute the notice. The workgroup will consult with Ellen Seaborne for more information for the next meeting.
2. On the questions of how do Orders of Protection relate to custody decisions?; how does losing at the hearing after an Order of Protection is served impact later custody decisions?, Jeff Zimmerman clarified the issue regarding a father who was involved in a divorce proceeding who was served with an Order of Protection. He felt the accusations were false and wanted to contest the Order of Protection at the hearing provided for in statute. His lawyer advised him not to contest the order of protection and not ask for this hearing, because in case he lost at the hearing, he would be in worse shape than just letting it go by. The subject will be discussed further at future meetings.
3. False allegations of domestic violence; how to deal with this problem and what are the incentives in the system to make such an allegation falsely? The workgroup suggested possible cross references in the statutes and the issue of vesting the judge with the responsibility of having to deal with the divorce and its conclusions with the follow up as to the criminal aspects. Dr. Yee suggested exploring the link to education for judges regarding this issue.

Education/Prevention:

Frank Costanzo reported that the workgroup followed up on the suggestion of including the content of Bill Fabricius' research into statewide parent/education classes. Megan Hunter met with Terrill Haugen regarding the procedure for doing so as it relates to statute, rules and procedures. Megan Hunter will be doing research for this workgroup on how to incorporate children' classes to the curriculum and how other states handle this. She will look at the parents' curriculum, county by county, to determine whether it addresses the original legislation's goals.

This workgroup also wants to devise a method of installing in the education system, on a preventative mode, a statewide approach to preserving and improving interpersonal relationships.

NEW BUSINESS

None was presented.

CALL TO THE PUBLIC

Sharon Saewert and Don Saewert appeared and described their travails over their daughter-in-law making false allegations of sexual abuse about Mr. Saewert during their son's divorce from this woman. The allegations caused them to lose contact with their grandchildren, forced them to go through a myriad of procedures to clear his name and expunge the charges. They alleged that the judges believe the lies contained in false allegations of abuse and how problematic it is for the accused to return their lives to normalcy. They filed a complaint about the judge and were dismayed at not having an answer from the Commission on Judicial Conduct for over six months.

FUTURE MEETINGS

The June, 2002 meeting will be held on the 21st (a Friday) in the State Courts Building, Rooms 119A/B with Representative Johnson as chair; this meeting will be devoted to workgroup sessions except for announcements, IFC report and workgroup reports.

The July 19, 2002 meeting will be held at 541 E. Van Buren, Phoenix, at the Judicial Education Center, Suite B, Copper/Gold Rooms. Ample parking is available across the street, 5th St. entrance, for a fee. The August meeting will be held on the 23rd, a Friday, in Rooms 119A/B, State Courts Building.

ADJOURNMENT

The meeting was adjourned at 2:00 p.m. by Sen. Hartley.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE
Meeting Minutes -June 21, 2002

PRESENT:

Sen. Mary Hartley
Rep. Mark Anderson
Frank Costanzo
Ella Maley
Rene Bartos
Kelly Campbell, by Daniella Yaloz
Nancy Gray Eade
Hon. Karen Adam
Ellen Seaborne
Steve Phinney

Jeff Zimmerman
Sidney Buckman
Terrill J. Haugen
Sen. David Petersen
Brian Yee
Sanford Braver, by Bill Fabricius
Jennifer Jordan
Gordon Gunnell
Debbora Woods-Schmitt

NOT PRESENT:

Rep. Karen Johnson
Sen. Toni Hellon
Ray Rivas (Alma Jennings Haught)

Jay Mount
Rep. Kathi Foster
Janet Scheiderer

GUESTS:

Dave Norton, Phoenix Police Department
Kat Cooper, Maricopa Clerk of Superior Court
Steve Wolfson, State Bar of Arizona, Family Law Section
Theresa Martin - Office of the Attorney General
Elizabeth Basket - Senate Research Assistant

STAFF:

Isabel Gillett
Megan Hunter

The meeting began at 10:17 a.m. with Representative Anderson leading the discussion in place of Representative Johnson.

ANNOUNCEMENTS

Representative Anderson welcomed everyone. Megan Hunter mentioned that the Research & Statistics Unit of the AOC will come to a future meeting to discuss family law related statistics. Ellen Seaborne invited anyone interested to a conference to be held in Jerome on June 28, 2002, which will focus on domestic violence, awareness of child abuse by a mother's boyfriend and relocation issues. Those interested should contact Ellen's office.

CALL MEETING TO ORDER

The meeting was called to order at 10:37 a.m. by Senator Hartley.

APPROVAL OF MINUTES

A quorum was present for minutes approval. The minutes for the May, 2002 meeting were unanimously approved as written.

STATUS OF SB 1088

Rep. Anderson reported that SB 1088 which repeals the Domestic Relations Reform Study Subcommittee was signed by Governor Hull on June 4, 2002 with a general effective date of August 22, 2002. As of that date, this committee will be called the Domestic Relations Committee. Letters asking for approval of existing committee members have been sent to the Governor, Chief Justice, President of the Senate and Speaker of the House; the Chief Justice has reappointed those members who wished to remain on the new committee. Applications are being

gathered for the four new positions: rural Superior Court judge/commissioner, child advocate, State Bar Family Law section member and law enforcement representative. Applicants for these positions need to submit a resume and letter of interest/commitment to serve so that the application process may begin. SB 1088 also extends the IFC deadline to December 31, 2002 to complete the statewide plan.

INTEGRATED FAMILY COURT SATELLITE BROADCAST

Members viewed the Family Court section of the AOC Satellite Broadcast as presented by Honorable Mark Armstrong and Karen Kretschman.

IFC WORKGROUP

Ellen Seaborne reported on the status of the Integrated Family Court workgroup. S 1088 charges the Domestic Relations Committee with preparing "an annual written report regarding recommended changes to the domestic relations statutes, rules and procedures and other related issues designed to lead to a reform of the state's domestic relations statutes" as well as preparing "a statewide plan for an integrated family court with comprehensive subject matter jurisdiction over all matters involving the family and submit this plan to the governor, the president of the senate, the speaker of the house of representatives and the chief justice of the Supreme Court on or before December 31, 2002.

Data from Maricopa County's IFC pilot program should be available by the end of June, 2002. The IFC workgroup will meet on July 12, August 16, September 6 and October 4 after which they intend to submit a plan to this committee in October, 2002. DRC will provide input to the IFC workgroup before final submission to the Supreme Court in December, 2002.

WORKGROUPS

Rene Bartos requested that the workgroups consider domestic violence issues in relation to divorce and custody; the matter was assigned to the Court Procedures workgroup.

Elizabeth Baskett, Senate Research Assistant, reported on two bills that Sen. Hartley is interested in having the workgroups study. A.R.S. § 25-403 does not give the court the authority to appoint an attorney to a child to represent the child's best interest regarding grandparent visitation. Members suggested also adding in loco parentis to the statute as well.

Elizabeth also discussed the fact that the court does not have authority to take alcohol dependency into consideration when determining child custody/parenting time. Members from the court advised that alcohol dependency, while not specifically addressed in statute, is considered by the court in those cases.

Sen. Hartley asked the workgroups to set aside their scheduled topics and instead focus on Integrated Family Court issues in an effort to provide the IFC workgroup with input prior to the October DRC meeting. The chairperson from each workgroup met with Ellen Seaborne to determine the IFC issues to be discussed by each workgroup. The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch hour. The workgroups considered proposals for study and review for the next legislative session as follows:

Substantive Law Workgroup:

Jeff Zimmerman reported that the workgroup developed a list of issues for the IFC workgroup's consideration as follows:

- 1) Increase statistic gathering in family law cases;
- 2) Filing fee for Conciliation Services;
- 3) Domestic violence training for limited jurisdiction court judges;
- 4) Expand ADR services.

Court Procedures Workgroup:

Dr. Brian Yee reported the following list of issues for the IFC workgroup's consideration:

- 1) Increase the number of judicial officers;
- 2) Enhanced training of judicial officers;
- 3) Increase funding and staff in Conciliation Services;

- 4) Develop a private mediator roster;
- 5) In-depth discussion of security and confidentiality issues of case information that is provided on the Internet.

Education/Prevention:

Terrill Haugen reported the following list of issues for the IFC workgroup's consideration:

- 1) Determine an alternative name for Conciliation Services;
- 2) Enhanced judicial education;
- 3) Develop a truancy program;
- 4) Implement whole family divorce education, including children's and father's programs;
- 5) Implement a never-married parent education class;
- 6) Placement of case managers or court facilitators in each court to help pro se litigants;
- 7) Include property issues in mediation;
- 8) Include faith-based organizations in plan;
- 9) Introduce preventative measures such as a marriage skills education class at the marriage license stage;
- 10) Coordinate services with Department of Education, especially conflict resolution classes;
- 11) Eliminate local rules to unify procedures statewide;
- 12) Mandate uniformity of forms statewide.

Prior to the July meeting, the three workgroup chairpersons will communicate with Ellen Seaborne to prepare the workgroups focus.

NEW BUSINESS

SB 1088 eliminated the requirement to have two joint meetings annually with the Child Support Committee (CSC). Some members have expressed interest in continuing to meet jointly with CSC occasionally. Members should contact Karen Kretschman or Megan Hunter if they want joint meetings to continue.

CALL TO THE PUBLIC

No requests to speak were received.

FUTURE MEETINGS

The July 19, 2002 meeting will be held at 541 E. Van Buren, Phoenix, at the Judicial Education Center, Suite B, Copper/Gold Rooms with Sen. Hartley as chair. Ample parking is available across the street, 5th St. entrance, for a fee. This meeting will be devoted to workgroup sessions to discuss IFC issues except for announcements, IFC report and workgroup reports.

The August 23, 2002 meeting will be held in Rooms 119A/B, State Courts Building.

ADJOURNMENT

The meeting was adjourned at 1:49 p.m. by Sen. Hartley.

DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE
Meeting Minutes - July 19, 2002

PRESENT:

Sen. Mary Hartley
Sid Buckman
Ella Maley
Rene Bartos
Daniella Yahez
Nancy Gray Eade
Hon. Karen Adam
Jay Mount
Ellen Seaborne

Jeff Zimmerman
Janet Scheiderer
Sen. David Petersen
Brian Yee
Bill Fabricius
Terrill Haugen
Debbora Woods-Schmitt

NOT PRESENT:

Rep. Kathi Foster
Rep. Mark Anderson
Rep. Karen Johnson
Gordon Gunnell
Steve Phinney

Frank Costanzo
Ray Rivas (Alma Jennings Haught)
Jennifer Jordan

GUESTS:

Dave Norton, Phoenix Police Department
Barbara Guenther, AZ Senate
Diane Post, ACADV
Therese Martin, AZ Atty Gen.
Kathy Seeglitz, DES

STAFF:

Karen Kretschman
Isabel Gillett
Megan Hunter
Susan Pickard

CALL MEETING TO ORDER

The meeting was called to order at 10:28 a.m. by Senator Petersen.

ANNOUNCEMENTS

Senator Hartley announced that all of the Supreme Court's, Senate's and House's reappointments/ appointments to the new Domestic Relations Committee have been completed.

Daniella Yaloz is the new ACADV representative and Beth Rosenberg is the new Child Advocate representative. The rural judge position now has two applicants and two applicants for the State Bar representative have been sent to the Chief Justice.

APPROVAL OF MINUTES

A quorum was present for minutes approval. The minutes for the June, 2002 meeting were unanimously approved as written.

STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS

Sen. Hartley discussed the numerous senate positions which are up for election this fall.. A replacement has not been designated by the President of the Senate for Sen. Hellon and one may not be made due to coming vacancies on the Senate Family Services Committee. The new Domestic Relations Committee will have two senators and two representatives on the Committee pursuant to the new wording and structure contained in S 1088, effective August 22, 2002.

Governor Hull's office has notified the Committee that the positions now being reappointed/appointed by the Governor are stalled. Reappointments may not be "automatic" and Stephanie Ashcroft, in the Governor's Committees Section, has asked Gordon Gunnell, Steve Phinney, Ellen Seaborne, Bill Fabricius and Jay Mount to fill out the Governor's required form and also submit a letter of interest and resume.

The Senate has indicated that the Domestic Relations Committee will not be able to officially meet after August 22, 2002 if the Governor's appointments to the Committee are not completed by that time. The above-referenced members were requested to submit their materials as soon as possible in order to expedite the application/appointment process with the Governor's office. Monthly workgroup meetings, however, may continue to be scheduled in the event the appointments are not made by the Governor by August 22, 2002.

INTEGRATED FAMILY COURT SUBCOMMITTEE UPDATE

Senator Hartley reminded the group of legislative committee parameters and separation of powers among the courts, legislature and governor. The legislative branch establishes policies, the executive branch establishes procedures and the judicial branch has enforcement powers.

Due to upcoming legislative elections and term limits, current legislators on the committee may not be returning next year. The committee may need to find sponsors for the IFC proposal.

The Integrated Family Court Subcommittee should be preparing work product in the form of an

Integrated Family Court Action Plan, consisting of recommendations as approved by the Committee. The Report from the IFC is what the legislative charge asks for; it will contain the recommendations made by the IFC Subcommittee. The Report will then be reviewed by the Domestic Relations Committee and approved or not. DRC members who do not agree with the Report may prepare a “minority report” and recommend other options and suggestions. The Committee will not be drafting proposed statutory language over and above the report. Senator Hartley also added that Legislative Council then drafts the statutory language from the Report/Plan which is approved by DRC and sent to the legislature with a sponsor.

Barbara Guenther reiterated some of Senator Hartley’s information and added that Legislative Council is responsible for drafting the statutory language and capturing the ideas/concepts of the proposals in the plan. She did comment that Legislative Council does appreciate statutory language suggestions but is not bound to follow those suggestions. A worksheet was provided to the members for consideration during their discussions that includes tasks, recommended responsible party to carry out the task, time frame and costs. This form will be useful to the IFC Subcommittee members in preparing their final Action Plan for the IFC.

Senator Petersen mentioned that the Child Support Committee does submit statutory language proposals in their work product but the comment was clarified by others who pointed out that the child support issues are usually very narrow and technical in nature.

Barbara Guenther also added the following regarding the IFC Plan draft:

Use caution against being too detailed (This is for the Rules process)
Let the Professionals (Legislative Council) draft the statutory language
Focus on the Plan and finish it first.

Senator Hartley then commented on the cost factor of an IFC Plan. She discussed the difficulties facing the legislature for fiscal year ‘04 and urged the IFC Subcommittee to be creative in suggesting financing methods–i.e. how to get individual counties to pick up part of the tab; would this Plan support a fee, etc. She suggested that the more options provided as to how to finance it, the better chance of it receiving a hearing.

Karen Kretschman asked for clarification on the work product of the IFC Subcommittee: is it a plan/report only or should it contain suggested statutory language? Senator Hartley indicated that the IFC Subcommittee should first ensure that the Plan/report is complete before attempting to draft any kind of proposed statutory language.

Ellen Seaborne updated the members on the progress of the IFC Subcommittee, discussing the contents of the IFC Executive Summary of materials prepared to date. She asked that the DRC workgroups, over lunch, review specific topics including IFC approved proposals, judicial rotation or not and the impact of codifying family laws into a Family Code during the working lunch and returning to the Committee meeting with recommendations on the acceptance/consensus of the content of the IFC Subcommittee’s work completed up to this date.

PRESENTATION

Diane Post, attorney with the Arizona Coalition Against Domestic Violence, presented commentary on Expose, reviewing cases countrywide in which the court has been asked to return children to the custody of a parent who has abused them. Arizona is replicating this research. Diane provided copies of this book to Committee members.

WORKGROUPS

The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch hour. With Senator Hartley's concurrence, Ellen Seaborne assigned the workgroups various sections of the IFC Executive Summary materials prepared to date and asked for input on whether the material is approved or not, suggestions or additions, and commentary regarding judicial rotation and codifying family-related statutes into one chapter for IFC purposes.

Education/Prevention: Reviewed Authority, Framework, Rotation/Elections, Title Compilation issues

Court Procedures: Reviewed Services and Resources, Minimum Standards, Judicial Officer and Staff Assignments, Rotation/Election of Judges and Title Compilation issues

Substantive Law: Reviewed Specific recommendations on rotation/election, Title Compilation

The workgroups met during the working lunch hour and came back to the general meeting with the following reports:

Substantive Law Workgroup:

Jeff Zimmerman reported the following:

1. Rotation of judges be set at 4 to 5 years as a minimum with the judicial officer having the option of extending their stay without limit with a provision for the presiding judge to have removal authority. They question whether 50% is the right number for judges who need to be appointed or elected out of the Executive Summary.
2. The involved family law statutes should be compiled under one title for IFC purpose. Perhaps the title could read "Family and Juvenile Law" or something similar.
3. Sabbaticals are a good idea. They wondered how this would be covered cost-wise.
4. Caseload standards should be set at the county level where the financing comes into play.

In general, the Substantive Law Workgroup believes the IFC Subcommittee is moving in the right direction.

Court Procedures:

Dr. Brian Yee reported the following:

1. The workgroup expressed concerns about state finances, noting that much of the success of an integrated family court depends on the information systems (computer) which will require substantial funding. All courts will have to be on the “same page.”
2. The Services and Resources working document is a complete and comprehensive list.
3. When it comes to new judges, not judges who are rotating into Family Court but truly NEW judges, the two-week orientation training is not enough and is somewhat overwhelming. Special attention should be given to this training issue.
4. The workgroup recommends that an environment be created to establish a professional bench with judicial officers who instigate progress, published articles, public speeches and working, in net effect, as trainers. Encouraging a professional bench could produce an environment where rotation is not an issue.
5. Recommends the compilation of family law statutes under one title.

Education/Prevention:

Terrill Haugen reported as follows:

1. Reward excellent DR judges; increase their salaries or make them truly “peers” with other Superior Court judicial positions in order to have incentives for taking and staying on this type of an assignment.
2. Recommends a dedicated bench and therefore, a revision of the appointment process (where applicable) where the Governor currently favors attorneys with jury experience. This would eliminate the rotation problem.
3. Encourage the recruitment of those with experience in family law.
4. Recommends the acceptance of the framework as written in the executive summary.

NEW BUSINESS

None was presented.

CALL TO THE PUBLIC

Rene Bartos read a letter from a client as public comment in connection with current domestic violence issues facing victims.

FUTURE MEETING

The August meeting will be held on August 23, 2002 in Conference Room 119A/B, State Courts Building, 1501 W. Washington, Phoenix. The August meeting will be entirely devoted to workgroup meetings in connection with IFC and other new statutory and other proposals for revision and update of statutes, policies and procedures statewide.

The September meeting will be held on September 18, 2002 in Conference Room 119A/B, State Courts Building, 1501 W. Washington, Phoenix.

The October meeting will be held on October 25, 2002 in Conference Room 345A/B, State Courts Building, 1501 W. Washington, Phoenix.

ADJOURNMENT

The meeting was adjourned at 1:45 p.m. by Sen. Hartley.